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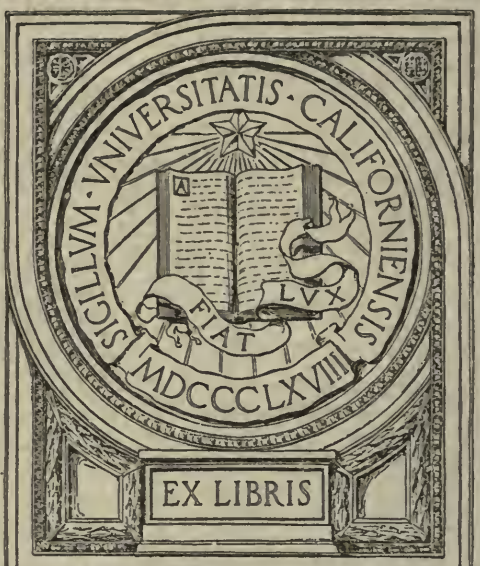

ELECTION LAWS

OF THE

STATE OF WYOMING

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1914

PUBLISHED BY AUTHORITY AND UNDER
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LARAMIE, WYOMING
THE LARAMIE REPUBLICAN COMPANY
PRINTERS AND BINDERS
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ELECTION LAWS

OF THE

STATE OF WYOMING

CONSTITUTIONAL PROVISIONS

ARTICLE I.

DECLARATION OF RIGHTS.

Sec. 27. Elections—No interference with. Elections shall be open, free and equal, and no power, civil or military, shall at any time interfere to prevent an untrammeled exercise of the right of suffrage.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Sec. 2. Senators' term and qualifications. Senators shall be elected for the term of four (4) years and representatives for the term of two (2) years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years. No person shall be a senator who has not attained the age of twenty-five years, or a representative who has not attained the age of twenty-one years, and who is not a citizen of the United States, and of this state, and who has not for at least twelve months next preceding his election resided within the county or district in which he was elected.

State v. Barber, 4 Wyo. 95, 32 Pac. 14; State v. Schnitger, 16 Wyo. 501, 95 Pac. 698.

Sec. 4. Vacancies—How filled. When vacancies occur in either house by death, resignation or otherwise, such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

State v. Schnitger, 16 Wyo. 502, 510, 95 Pac. 698.

Sec. 5. Members elected—When. Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of congress, and their term of office shall begin on the first Monday of January thereafter.

Sec. 8. Members disqualified for other office. No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the state, and no member of congress or other person holding an office (except that of notary public or an office in the militia)

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under the United States or this state, shall be a member of either house during his continuance in office.

Ross v. State, 8 Wyo. 366, 57 Pac. 924.

APPORTIONMENT.

Section 1. Congressional representation. One representative in the congress of the United States shall be elected from the state at large, the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts accordingly.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Sec. 2. Governor—Qualifications of. No person shall be eligible to the office of governor unless he be a citizen of the United States and a qualified elector of the state, who has attained the age of thirty years, and who has resided five years next preceding the election within the state or territory, nor shall he be eligible to any other office during the term for which he was elected.

State v. Schnitger, 17 Wyo. 83, 96 Pac. 238.

Sec. 3. How elected. The governor shall be elected by the qualified electors of the state at the time and place of choosing members of the legislature. The person having the highest number of votes for governor shall be declared elected, but if two or more shall have an equal and highest number of votes for governor, the two houses of the legislature at its next regular session shall forthwith, by joint ballot choose one of such persons for said office. The returns of the election for governor shall be made in such manner as shall be prescribed by law.

Sec. 7. Vacancies in offices—How filled. When any office from any cause becomes vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have the power to fill the same by appointment.

In re Fourth Judicial Dist., 4 Wyo. 148, 32 Pac. 850; State v. Henderson, 4 Wyo. 535, 544, 35 Pac. 517; State v. Grant, 12 Wyo. 6, 73 Pac. 470; State v. Brooks, 14 Wyo. 416, 84 Pac. 488.

Sec. 11. State officers—What—Term. There shall be chosen by the qualified electors of the state at the times and places of choosing members of the legislature, a secretary of state, auditor, treasurer, and superintendent of public instruction, who shall have attained the age of twenty-five years respectively, shall be citizens of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term of four (4) years and until their successors are elected and duly qualified, but no person shall be eligible for the office of treasurer for four (4) years after the expiration of the term for which he was elected. The legislature may provide for such other state officers as are deemed necessary.

State v. Henderson, 4 Wyo. 545, 35 Pac. 517; State v. Brooks, 14 Wyo. 415, 419, 84 Pac. 488.

ARTICLE V.

JUDICIAL DEPARTMENT.

Sec. 4. Justices of supreme court—Election—Terms. The supreme court of the state shall consist of three justices who shall be elected by

the qualified electors of the state at a general state election at the times and places at which state officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this constitution shall go into effect shall, at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the chief justice and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve, shall preside in his stead. If a vacancy occur in the office of a justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this constitution shall go into effect.

In re Moore, 4 Wyo. 109, 31 Pac. 980; State v. Brooks, 14 Wyo. 420, 84 Pac. 488; State v. Schnitger, 17 Wyo. 65, 96 Pac. 238.

Sec. 8. Who eligible as justice. No person shall be eligible to the office of justice of the supreme court unless he be learned in the law, have been in actual practice at least nine (9) years, or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or territory at least three years.

Sec. 12. Who eligible as judge. No person shall be eligible to the office of judge of the district court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the state or territory of Wyoming at least two years next preceding his election.

Sec. 13. Clerks of district courts. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

Sec. 22. Justices of the peace—Jurisdiction of. The legislature shall provide by law for the election of justices of the peace in each organized county within the state. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy, exclusive of costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come into question.

In re Fourth Judicial Dist., 4 Wyo. 144, 149, 32 Pac. 850; Crain v. Bode, 5 Wyo. 260, 39 Pac. 747; Ballantyne v. Bower, 17 Wyo. 363, 99 Pac. 869.

Sec. 27. Judges shall not hold other office. No judge of the supreme or district court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge.

ARTICLE VI.

SUFFRAGE.

Section 1. Equal rights. The rights of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.

McKinney v. State, 3 Wyo. 719, 30 Pac. 293; Slaymaker v. Phillips, 5 Wyo. 453, 40 Pac. 971, 42 Pac. 1049; Rasmussen v. Baker, 7 Wyo. 126, 50 Pac. 819.

Sec. 2. Qualification of electors. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the state or territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

Slaymaker v. Phillips, 5 Wyo. 462, 40 Pac. 971, 42 Pac. 1049; Rasmussen v. Baker, 7 Wyo. 126, 50 Pac. 819; State v. Brooks, 17 Wyo. 353, 99 Pac. 874.

Sec. 3. Privileged from arrest—When. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

Sec. 4. Exemption from military duty. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 5. Must be citizen of United States. No person shall be deemed a qualified elector of this state, unless such person be a citizen of the United States.

State v. Brooks, 14 Wyo. 415, 84 Pac. 488.

Sec. 6. Disqualified—When. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

State v. Schnitger, 17 Wyo. 78, 96 Pac. 238.

Sec. 7. Residence not lost. No elector shall be deemed to have lost his residence in the state, by reason of his absence on business of the United States, or of this state, or in the military or naval service of the United States.

Sec. 8. Soldiers not residents. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

Sec. 9. Educational qualification. No person shall have the right to vote who shall not be able to read the constitution of this state. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Rasmussen v. Baker, 7 Wyo. 126, 50 Pac. 819.

Sec. 10. Five year limit. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section six of this article. After the expiration of five years from the time of the adoption of this constitution, none but citizens of the United States shall have the right to vote.

Rasmussen v. Baker, 7 Wyo. 126, 50 Pac. 819.

Sec. 11. Election—How held. All elections shall be by ballot. The legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day to be delivered to the voters within the polling place by sworn public officials, and only such ballots so

delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory.

Slaymaker v. Phillips, 5 Wyo. 462, 40 Pac. 971, 42 Pac. 1049.

Sec. 12. Prior registration required. No person qualified to be an elector of the state of Wyoming, shall be allowed to vote at any general or special election hereafter to be holden in the state, until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The legislature of the state shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this constitution.

ELECTIONS.

Section 1. Purity of election provided for. The legislature shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

Slaymaker v. Phillips, 5 Wyo. 462, 40 Pac. 971.

Sec. 2. Contests how tried. The legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise provided for, shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

Turner v. Hamilton, 13 Wyo. 408, 80 Pac. 664.

Sec. 3. Qualifications for office. No person except a qualified elector shall be elected or appointed to any civil or military office in the state.

Sec. 4. Officers hold over when. Every person holding any civil office under the state or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board of assembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

Ballantyne v. Bower, 17 Wyo. 362, 99 Pac. 869.

Sec. 5. General and special elections. All general elections for state and county officers, for members of the house of representatives and the senate of the state of Wyoming, and representatives to the congress of the United States, shall be held on the Tuesday following the first Monday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All state and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

In re Moore, 4 Wyo. 106, 31 Pac. 980; Ballantyne v. Bower, 17 Wyo. 361, 99 Pac. 869.

Sec. 6. Officers not provided for. All officers, whose election is not provided for in this constitution, shall be elected or appointed as may be directed by law.

Sec. 7. Persons disqualified to hold office. No member of congress from this state, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state to which a salary, fees or per-

quisites shall be attached. The legislature may by law declare what offices are incompatible.

Sec. 8. Oath of Office—Form of. Senators and representatives and all judicial, state and county officers shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States, and the constitution of this state, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

Sec. 9. Oath—How administered. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court, shall be filed in the office of the secretary of state, and in the case of other judicial and county officers in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this state. The oath to members of the senate and house of representatives shall be administered by one of the judges of the supreme court or a justice of the peace, in the hall of the house to which the members shall be elected.

ARTICLE XII.

COUNTY ORGANIZATION.

Sec. 2. New counties—Organization of. The legislature shall provide by general law for organizing new counties, locating the county seats thereof temporarily and changing county lines. But no new county shall be formed unless it shall contain within the limits thereof property of the valuation of two million dollars, as shown by last preceding tax returns, and not then unless the remaining portion of the old county or counties shall each contain property of at least three million of dollars of assessable valuation; and no new county shall be organized nor shall any organized county be so reduced as to contain a population of less than one thousand five hundred bona fide inhabitants, and in case any portion of an organized county or counties is stricken off to form a new county, the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties so reduced. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division.

Comrs. v. Perkins, 5 Wyo. 170, 178, 38 Pac. 915; In re Fremont County, 8 Wyo. 21, 54 Pac. 1073; State v. Schnitger, 16 Wyo. 538, 95 Pac. 698.

Sec. 4. Township organization. The legislature shall provide by general law for a system of township organization and government, which

may be adopted by any county whenever a majority of the citizens thereof voting at a general election shall so determine.

Sec. 5. County officers—Provision for. The legislature shall provide by law for the election of such county officers as may be necessary.

Reals v. Smith, 8 Wyo. 171, 56 Pac. 690.

ARTICLE XIII.

MUNICIPAL CORPORATIONS.

Sec. 2. Consent of electors necessary. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be so incorporated, such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

State v. Lamoureux, 3 Wyo. 731, 30 Pac. 243.

ARTICLE XVI.

Sec. 2. Creation of state debt restricted. No debt in excess of the taxes for the current year shall in any manner be created in the state of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people and by them approved; except to suppress insurrection or to provide for the public defense.

Sec. 4. Creation of municipal debt restricted. No debt in excess of the taxes for the current year shall, in any manner, be created by any county or sub-division thereof, or any city, town or village, or any subdivision thereof in the state of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people thereof and by them approved.

Miller v. School District, 5 Wyo. 224; In re Fremont County et al., 54 Pac. Rep. 1073; Grand Island & N. W. R. Co. v. Baker et al., 45 Pac. Rep. 494.

ARTICLE XX.

AMENDMENTS.

Section 1. Provision for. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the state at the next general election, and cause the same to be published without delay for at least twelve (12) consecutive weeks, prior to said election, in at least one newspaper of general circulation, published in each county, and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this constitution.

State v. Brooks, 17 Wyo. 352, 354, 99 Pac. 874.

Sec. 2. How voted for. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

Sec. 3. Constitutional convention—Provision for. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this constitution, they

shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at such election shall have voted for a convention, the legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double that of the most numerous branch of the legislature.

Sec. 4. New constitution. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

STATUTORY PROVISIONS

NOTE—Unless otherwise designated, all sections are from Wyoming Compiled Statutes, 1910.

APPORTIONMENT OF REPRESENTATION.

Section 1. Number for each county. Each organized county in the state of Wyoming shall constitute a separate senatorial and representative district for the election of senators and representatives, and until otherwise provided by law each organized county as aforesaid shall have representation in the Wyoming state legislature as follows, to-wit:

Albany County—Two (2) senators and four (4) representatives.
Big Horn County—Two (2) senators and three (3) representatives.
Carbon County—Two (2) senators and four (4) representatives.
Crook County—One (1) senator and three (3) representatives.
Converse County—One (1) senator and three (3) representatives.
Fremont County—Two (2) senators and four (4) representatives.
Johnson County—One (1) senator and two (2) representatives.
Laramie County—Five (5) senators and ten (10) representatives.
Natrona County—One (1) senator and two (2) representatives.
Sheridan County—Three (3) senators and seven (7) representatives.
Sweetwater County—Two (2) senators and four (4) representatives.
Uinta County—Three (3) senators and seven (7) representatives.
Weston County—One (1) senator and two (2) representatives.
Park County—One (1) senator and two (2) representatives.

[Chapter 46, Session Laws, 1911.]

GOVERNOR.

§ 87. **Term of successor—Proviso.** Whenever the powers and duties of the office of the governor of the state of Wyoming shall devolve upon a person, as hereinbefore provided, the person acting as governor shall continue to act as governor, as aforesaid, until the end of the term of the governor; Provided, such assumption of office is made as aforesaid less than twenty days before the next general election of county officers preceding the next ensuing general election for state officers; but should such assumption be made as aforesaid previous to twenty days before a general election for county officers, then and in that case, the person acting as governor as aforesaid, shall issue an additional proclamation calling for the election of a governor to fill the unexpired term, which election shall take place at the same time as the general election for county officers, and such election, together with the returns and canvass thereof,

shall be conducted in all respects as though it was an original election for governor. When the state canvassing board shall have canvassed the vote of the election as aforesaid, and in the manner provided by law, declared a person at such election to be elected as governor, such person shall, within thirty days after such canvass, or as soon thereafter as possible, qualify and assume the duties and powers of governor, and shall be the governor of the state of Wyoming for the remainder of the unexpired term of governor. [L. 1890-91, ch. 14, § 3; R. S. 1899, § 52.]

In re Moore, 4 Wyo. 107, 31 Pac. 890; State v. Grant, 12 Wyo. 7, 73 Pac. 470.

PRESIDENTIAL ELECTORS.

§ 243. Election of presidential electors. At the general election next preceding the choice of president and vice president of the United States of America, there shall be elected as many electors of president and vice president of the United States of America as this state may be entitled to elect of senators and representatives in congress. [L. 1890-91, ch. 63, § 1; R. S. 1899, § 165.]

§ 244. Certificate of election. The certificate of election for electors of president and vice president of the United States of America, shall be served on each person elected, notifying him to attend at the office of the secretary of state at the seat of government at the hour of twelve o'clock noon of the Saturday next preceding the second Monday of January next after his election, and to report himself to the governor of this state as in attendance. [L. 1890-91, ch. 63, § 2; R. S. 1899, § 166.]

§ 245. Electors shall convene when—Filling of vacancy. The electors of president and vice president so attending, shall convene in the office of the secretary of state at the capital of the state, at the hour of twelve o'clock noon of the Saturday next preceding the second Monday of January, as provided in § 244, and in case there shall be any vacancy in the office of an elector, occasioned by the death, refusal to act, neglect to attend by the hour of twelve o'clock noon of said day, or on account of any two of the persons voted for as electors having received an equal and the same number of votes, or on account of the ineligibility of any person elected, or from any cause, the qualified electors present shall proceed to fill such vacancy by ballot and plurality of votes, and the said electors so present shall immediately issue a certificate of election signed by those present, or a majority of them, to the person so chosen. In case of a failure to elect by the said electors by noon of the Monday next following, the governor shall fill the vacancy by appointment. [L. 1890-91, ch. § 3; R. S. 1899, § 167.]

§ 246. When shall proceed to vote. The college of electors being full, shall meet at the office of the secretary of state at the capital at noon of the said second Monday of January, and shall proceed to the election and performance of their duties in conformity with the constitution and laws of the United States of America. [L. 1890-91, ch. 63, § 4; R. S. 1899, § 168.]

§ 247. Compensation. The said electors shall receive each a compensation of five dollars for each day's attendance, and the same mileage as is provided for members of the legislature of this state, and the amount of such attendance and mileage shall be presented, audited and paid in the same manner as other claims against the state, out of any funds in the state treasury not otherwise appropriated. [L. 1890-91, ch. 63, § 5; R. S. 1899, § 169.]

IRRIGATION DISTRICTS

For the provisions governing elections in irrigation districts, see Chapter 68, Wyoming Compiled Statutes, and Chapter 99, Session Laws, 1911.

ORGANIZATION OF COUNTIES.

§ 1054. Appointment of clerk. Such commissioners shall then appoint a clerk who shall take an oath to the effect that he will faithfully and impartially discharge the duties of his office as prescribed by law, and also the oath required of a county clerk. The commissioners shall at the same time designate a place for the transaction of their official duties, and shall, immediately, in the manner now prescribed by the laws of Wyoming for holding special elections for county and precinct officers, call and arrange for a special election for the purpose of submitting to the qualified electors of the territory proposed to be cut off, the question of whether said qualified electors are in favor of division. At the same time said electors shall in like manner choose a location for a county seat for said new county; Provided, however, That said commissioners may call and arrange for such special election, co-incident with any general election. [L. 1895, ch. 59, § 5; R. S. 1899, § 1007; L. 1909, ch. 75, § 1.]

Taylor v. Comrs., 11 Wyo. 125, 70 Pac. 835.

§ 1055. Expenses. Any and all expenses for such special election shall be borne by the proposed new county, and the county commissioners of the old county shall be empowered to make a special levy upon the taxable property within the boundaries of the proposed new county for the purpose of defraying the expenses of said election, and paying the salaries of the first board of county commissioners of the said new county, appointed by the governor, and the salary of the first county clerk thereof; also to defray any and all expenses incident to the said special election. The county commissioners and the county clerk first appointed in the proposed new county shall receive a salary of $50.00 each. [L. 1909, ch. 75, § 2.]

§ 1056. Election of officers. If a majority of the qualified electors residing in the territory proposed to be cut off vote in favor of division, then said new county shall be organized, and at the next general election, or in case said special election was called co-incident with a general election, then at such general election said qualified electors residing in said new county shall in the manner provided by law, vote for a member of congress, state and district officers, and shall at such election elect the members of the senate and house of representatives of the state to which said county is entitled, and also the county and precinct officers provided for by law. [L. 1895, ch. 59, § 6; R. S. 1899, § 1008; L. 1909, ch. 75, § 3.]

Taylor v. Comrs., 11 Wyo. 125, 70 Pac. 835.

§ 1057. Duties of commissioners and clerk. The commissioners and said clerk appointed as aforesaid shall respectively, at the time and in the manner provided by law, perform all and singular the duties preparatory to, respecting or incident to such election, which are imposed by law upon county commissioners and county clerks respectively in organized counties; and such election shall be held and conducted, and all matters preparatory or incident thereto, or connected therewith, shall be done and performed as in elections held in organized counties, except that the returns thereof shall be canvassed and the result declared by the commis-

sioners appointed by the governor. [L. 1895, ch. 59, § 7; R. S. 1899, § 1009.]

Taylor v. Comrs., 11 Wyo. 125, 70 Pac. 835.

§ 1058. When officers shall qualify. On the first Monday of January next following, or as soon thereafter as may be possible, the county and precinct officers elected in such county shall respectively qualify, and enter upon their respective duties as is provided by law in organized counties; and when a majority of the county commissioners so elected shall have qualified and entered upon their duties such county shall be deemed and held to be organized, and shall be vested with all the powers of an organized county under the laws of this state. [L. 1895, ch. 59, § 8, R. S. 1899, § 1010.]

Taylor v. Comrs., 11 Wyo. 125, 70 Pac. 835.

§ 1059. Bonds—How approved. The commissioners appointed by the governor shall approve the bonds of the county commissioners elected at such first election. [L. 1895, ch. 59, § 9; R. S. 1899, § 1011.]

Taylor v. Comrs., 11 Wyo. 125, 70 Pac. 835.

§ 1060. New county segregated. For the purpose of such election any such unorganized county shall be deemed to be segregated from the original county or counties from which the same is taken. [L. 1895, ch. 59, § 10; R. S. 1899, § 1012.]

Taylor v. Comrs., 11 Wyo. 125, 70 Pac. 835.

COURT HOUSE AND JAIL BONDS.

§ 1100. Election for. The board of the county commissioners of any county may, at any time, whenever a majority thereof so decide, submit to the electors of the county, the question of whether the board of the county commissioners shall be authorized to issue the registered coupon bonds of the county to a certain amount which, together with the existing indebtedness of such county shall not exceed two per centum of the taxable property in said county as shown by the last general assessment preceding, and bearing a certain rate of interest, not exceeding six per cent per annum, and to be issued, payable and redeemable in the manner hereafter provided, for the purpose of providing means for the construction of a court house and jail, or either, for purchasing a site therefor, and for the necessary furnishings and equipment of the same. [L. 1903, ch. 76, § 2.]

State v. School Dist., 38 Pac. 462 (Mont.).

COUNTY AND PRECINCT OFFICERS.

§ 1136. Time of qualifying. All county officers elected at any general election, shall qualify and enter upon the discharge of their respective duties upon the first Monday in January immediately following such general election. [R. S. 1887, § 1903; R. S. 1899, § 1224.]

Ballantyne v. Bower, Sheriff, 17 Wyo. 356, 362, 99 Pac. 869.

COUNTY COMMISSIONERS.

§ 1162. Terms. The board of county commissioners of each county shall consist of three qualified electors who shall hereafter be elected in the manner following: At the general election to be held in November, 1900, there shall be elected in each organized county two commissioners for a term of two years and one commissioner for a term of four years, the persons so elected to constitute said board, and thereafter at each gen-

eral election there shall be elected in each organized county, one commissioner for a term of two years and one commissioner for a term of four years. Each person elected as such commissioner shall on or before the first Monday in January succeeding his election, if elected, and immediately upon being appointed to fill a vacancy in the board of county commissioners, take and subscribe the same oath of office, which is required of other county officers, and also shall give a bond to the state of Wyoming in the sum of one thousand dollars, conditioned for the faithful, impartial and honest performance of their duties as by law required, which shall be approved by the clerk of the district court. Any two of such board shall constitute a quorum and shall be competent to act; Provided, That in counties of the fourth class, if it shall be so decided by a majority of the voters of the county, at any general election, there shall be two county commissioners elected, one for the term of four years and one for the term of two years, and at each general election thereafter, one commissioner for a term of four years. And such two members so elected, together with the county clerk as member ex officio, shall constitute the board of county commissioners of said county. And the commissioners of such counties of the fourth class shall subscribe to the same oath, and give bond in the same amount as is required of other commissioners, said bonds to be approved by the treasurer of said county. The county commissioners in any fourth class county shall, upon petition of twenty-five or more voters and taxpayers of such county, submit the question as to the number of commissioners to be elected in their county, to the voters of said county at any general election. [L. 1890-91, ch. 57, § 1; L. 1899, ch. 11; R. S. 1899, § 1056; L. 1901, ch. 35.]

§ 1166. **Enumerated powers of commissioners.** The board of county commissioners of each county shall have power at any meeting:

* * * * * * * * * *

6. To establish election precincts at such places in the county as the convenience of the inhabitants may require.

* * * * * * * * * *

COUNTY TREASURER.

§ 1181. **Election and term of office—Bond.** There shall be elected in each county in the state one county treasurer. He shall hold his office for a term of two years, and until his successor is elected and qualified, and shall be incapable of holding the said office longer than four in any period of six years.

(Provisions in regard to bond omitted.)

COUNTY AND PROSECUTING ATTORNEY.

§ 1204. **Oath and bond.** There shall be in each organized county, a county and prosecuting attorney, who shall, before entering upon the duties of his office, take the oath required of other county officers and give bond to the people of this state in the penal sum of two thousand dollars, with sufficient sureties, to be approved by the board of county commissioners, conditioned for the faithful performance of the duties of his office as required by law, and said bond shall be filed with the county clerk, and a copy of his certificate of election and oath shall be filed by such attorney with the clerk of the district court sitting for his county. [R. S. 1887, § 1893; R. S. 1899, § 1103.]

SHERIFFS.

§ 1212. Term of office—Oath and bond. There shall be in each county organized for judicial purposes, a sheriff, who shall hold his office for the term of two years, and until his successor is elected and qualified, or appointed and qualified, as the case may be.

(Oath and bond omitted.)

COUNTY CLERKS.

§ 1237. Election—Bond—Duties. There shall be a county clerk for each county in the state, who shall be elected and shall hold his office for two years and until his successor is elected and qualified. His term of office shall commence on the first Monday in January in the odd numbered years. He shall, before entering upon the duties of his office, take the oath prescribed by the constitution, and execute and file with the county treasurer, a bond with two or more sufficient sureties in the penal sum of not less than four thousand dollars, to be approved by the board of county commissioners, conditioned that he will faithfully perform all the duties of his office, and pay all moneys that may come into his hands by virtue of his office, as required by law, and deliver to his successor in office all books, records, papers and other things belonging to his said office; Provided, That in counties of the second, third and fourth classes the county clerk shall be ex officio clerk of the district court and shall perform all the duties pertaining to that office, but shall receive no additional or separate compensation therefor. [L. 1890-91, ch. 54, § 1; L. 1895, ch. 73, § 1; R. S. 1899, § 1136.]

Reals v. Smith, 8 Wyo. 159, 56 Pac. 690.

CLERKS OF DISTRICT COURT.

§ 928. Clerks shall be elected—Exception. There shall be a clerk of the district court in each organized county of the state, whose term of office shall be two years, and until his successor is elected and qualified. Clerks of the district court shall be elected at general elections in counties having an assessed valuation exceeding five million dollars; in all other counties the county clerk shall be ex officio clerk of the district court, and shall perform all the duties pertaining to the office of the clerk of the district court. [L. 1890-91, ch. 53, §§ 1, 3; L. 1895, ch. 73, § 1; R. S. 1899, § 3398.]

COUNTY ASSESSOR.

§ 1260. Election of. At the general election held in November, 1908, and at each general election held thereafter in the state of Wyoming, there shall be elected a county assessor for each county of the state of Wyoming, who shall be a qualified elector of, and who is a property owner and freeholder of his said county. [L. 1907, ch. 80, § 2.]

§ 1261. Term of office. Each assessor so elected shall hold his said office for a period of two years, or until his successor is qualified. [L. 1907, ch. 80, § 3.]

CORONER.

§ 1276. Term of office—Oath and bond. There shall be in each organized county, a coroner, who shall hold his office for two years, and until his successor is elected and qualified according to law. He shall take the oath prescribed by the constitution of the state and give bond to

the state of Wyoming, in the penal sum of one thousand dollars, with sufficient sureties, to be approved by the board of county commissioners, conditioned that he will faithfully perform all duties required by law as such coroner. [R. S. 1887, § 1876; R. S. 1899, § 1170.]

SURVEYOR.

§ 1290. Term of office—Oath and bond—Deputy. There shall be in each organized county, a county surveyor, who shall hold his office for two years, and until his successor is elected or appointed, and qualified according to law. (Provisions governing oath, bond, and deputy omitted.)

SUPERINTENDENT OF SCHOOLS.

§ 1296. Oath and bond—Prohibited from teaching. There shall be in each organized county a superintendent of public schools, who shall, before entering upon the duties of his office, take the oath prescribed by the constitution and give bond to the state of Wyoming in the penal sum of five hundred dollars for the faithful performance of all duties required of him by law as such superintendent, to be approved by the board of county commissioners, and together with his certificate of election and oath, filed in the county clerk's office; Provided, That no person shall at the same time hold the positions of county superintendent of public schools and teacher in any public school in his or her county. [R. S. 1887, § 1898; R. S. 1899, § 1190.]

ROAD SUPERVISOR.

Sec. 1. Counties shall be divided. Section 2547 of the Compiled Statutes of the state of Wyoming of 1910, is hereby amended and re-enacted so as to read as follows: All counties shall be divided into road districts. The board of county commissioners of each county shall divide their county into road districts of as compact form and convenient size as is practicable, and embracing the territory within an election district if possible, and may change or alter said road districts from time to time as the public convenience may require. [Chapter 59, Session Laws, 1913.]

§ 2548. Election or appointment of supervisors. When the county is divided into road districts as provided in the preceding section, there shall be elected at each general election for county officers by the qualified electors thereof, a district road supervisor for each district, who shall hold his office for two years, and until his successor is elected or appointed and qualified, and his term of office shall begin on the first Monday of January succeeding his election. Whenever any vacancy occurs from whatever cause in the office of the district road supervisor, the board of the county commissioners shall fill such vacancy by appointment until the qualification of such officer elected at the next general county election. [L. 1895, ch. 69, § 33; R. S. 1899, § 1938.]

§ 2549. Election of supervisor—When required. Unless the county be divided into road districts, there shall be elected at the general election for county officers in each county a road supervisor, who shall hold his office for the term of two years from the first Monday in January succeeding his election, and until his successor is elected or appointed and qualified. [L. 1895, ch. 69, § 34; R. S. 1899, § 1939.]

§ 2551. Oath and bond of supervisor. Each road supervisor, whether county or district, shall hold his office for the term of two years beginning with the first Monday in January next succeeding his election

and until his successor is duly elected or appointed and qualified according to law, unless sooner removed. * * *

JUSTICE OF THE PEACE AND CONSTABLE.

§ 5177. County commissioners to establish precincts. There shall be elected or appointed, as by law provided, in each county, one justice of the peace and one constable in such precincts as the boards of county commissioners may establish, and it shall be the duty of the county commissioners to divide the county into justice and constable precincts, which shall be composed of one or more voting precincts, and the justice and constable shall not be voted for outside of the precinct for which they are to be elected, in which they live. [L. 1895, ch. 72, § 1; R. S. 1899, § 4316.]

Ballantyne v. Bower, 17 Wyo. 356, 99 Pac. 869.

LARAMIE CHARTER.

§ 1426. Mayor and councilmen—Term of office—Qualifications—Annual elections—Vacancies. The mayor of said city shall be elected for the term of one year, and shall hold his office until his successor is duly elected and qualified. The first ward and second ward shall be represented by two councilmen each, and the third ward shall be represented by one councilman. The annual election shall be held on the first Tuesday in April of each year. At the first election each ward shall elect one member of the council to serve two years and one member to serve one year, and thereafter one member of the council to serve two years, except that the third ward shall elect one councilman each year. At such annual election the polls in each ward shall be opened at nine o'clock a. m., and remain open until four o'clock p. m. No person shall be eligible to office of mayor or councilman who is not a resident freeholder of said city at the time of his election and does not possess all the qualifications required of electors under this charter. Councilmen shall be residents of the wards from which they are elected, and if any councilman shall remove from the ward from which he is elected, his seat shall be declared vacant, and whenever there shall be a vacancy in the office of councilman, a special election shall be ordered by the mayor to fill such office, and he shall give five days notice thereof by proclamation. All vacancies occurring between elections, in any elective or appointive offices provided for in this chapter, except the offices of mayor and councilman, shall be filled by appointment by the mayor, by and with the advice and consent of the council. [R. S. 1887, § 208; R. S. 1899, § 1334.]

NOTE—See general municipal election laws, Ch. 154.—Compiler.

§ 1427. Qualifications of electors—Paying poll tax. Every legal voter of this state, who shall have been a bona fide resident of his ward five days and of the city sixty days next preceding any city election, shall be qualified to vote therein at such election; Provided, That no person shall be deemed a qualified elector at any such election who has not paid a poll tax for the year preceding the one in which such election is held, which poll tax, to entitle such person to vote, must have been paid at least twenty days previous to the day of such election; Provided, That no person shall be disqualified from voting under this section by reason of not having paid such poll tax, if he or she is not required by law to pay such poll tax. [R. S. 1887, § 209; R. S. 1899, § 1335.]

NOTE—See general municipal election laws, Ch. 154.—Compiler. (See Sec. 2283.)

§ 1429. Duties of mayor—Casting vote. The mayor shall preside at all meetings of the city council, and shall have a casting vote when the

council is equally divided, and none other, and shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and this chapter are complied with; the mayor shall commission all officers appointed or elected. [R. S. 1887, § 211; R. S. 1899, § 1337.]

§ 1430. Elective and appointive officers. At each city election there shall also be elected a mayor, a city treasurer, a city clerk, who shall be ex officio city assessor, each of whom shall hold his office for the term of one year and until his successor is elected and qualified. The mayor shall appoint, by and with the advice and consent of the council, a city attorney, a city marshal who shall be ex officio city tax collector, a chief engineer and an assistant engineer of the fire department, a civil engineer, and such policemen as may be required, not exceeding two regular policemen, each of which appointed officers shall hold his office for the term of one year and until his successor is appointed and qualified. When any nomination of the mayor is not confirmed by the council, it shall be his duty to at once send in other names until the council does confirm. All city officers, whether elected or appointed, shall qualify and enter upon the discharge of their respective duties upon the first Tuesday in May immediately following their election. The mayor and council may remove any of the said appointed or elected city officers named in this section, except the mayor, for inefficiency, maladministration of his office, or for any dereliction or violation of duty; Provided, That no such officer shall be removed as aforesaid, until he shall have been notified of such intended removal, and of the charge or charges preferred against him, which notice shall be served upon him by the mayor or the city clerk, and an opportunity given to him to answer said charge or charges. [R. S. 1887, § 212; L. 1888, ch. 45, § 1; L. 1890, ch. 3, § 1; R. S. 1899, § 1338.]

RAWLINS CHARTER.

§ 1521. Mayor and trustees—Term of office—Qualifications—Annual elections. The mayor of said city shall be elected for the term of one year, and shall hold his office until his successor is duly elected and qualified. At the first election under this charter, there shall be elected three trustees, one of whom shall hold his office for a term of three years, one for two years, and one for one year, and until their successors are elected and qualified. The first election under this charter shall be held on the second Tuesday in April, eighteen hundred and eighty-six, and thereafter an annual election shall be held on the second Tuesday in April in each year. At each annual election after said first election there shall be elected a mayor to serve one year, and one member of the board of trustees to serve three years. At such annual election the polls shall be opened at nine o'clock a. m. and remain open until four o'clock p. m. No person shall be eligible to the office of mayor or trustee who is not a resident freeholder of said city at the time of his election, and does not possess all the qualifications required of electors under this charter. [R. S. 1887, § 414; R. S. 1899, § 1491.]

§ 1522. Qualifications of electors. Every legal voter of this state who shall have been a bona fide resident of said city sixty days next preceding any city election, shall be qualified to vote therein at such election. [R. S. 1887, § 415; R. S. 1899, § 1492.]

NOTE—See general municipal election laws, Ch. 154.—Compiler.

§ 1523. Manner of conducting elections. The mayor and three trustees shall be elected in the same manner as provided by law in the

election of county and precinct officers. At the first meeting of the board of trustees, held after the first election under this chapter, the three trustees, so chosen, shall draw lots to decide the length of the terms during which they shall respectively hold the offices of trustees, as provided in § 1521. [R. S. 1887, § 416; R. S. 1899, § 1493.]

§ 1524. Duties of mayor. * * * The mayor shall commission all officers appointed or elected. [R. S. 1887, § 417; R. S. 1899, § 1494.]

§ 1549. Elections—Oath of officers. The board of trustees shall provide by ordinance for holding all after the first election provided for in this chapter, for the appointment of judges and clerks, who shall be duly qualified electors of said city. Every officer of said city elected or appointed under the provisions or by virtue of this chapter or any ordinance of said etiy, shall take and subscribe to an oath or affirmation before some officer of Carbon county authorized to administer oaths, that he will support the constitution of the United States, the constitution of this state, the laws of this state, the provisions of this chapter, and the ordinances of the said city of Rawlins, and that he will well and faithfully discharge and perform all the duties of his office according to law. [R. S. 1887, §§ 442, 443; R. S. 1899, § 1519.]

REORGANIZATION OF SPECIAL CHARTER CITIES.

Chapter 26, 1913 Session Laws.

Section 1. May abandon charter. Any city or town heretofore organized under a special charter, may abandon such charter and organize under the provisions of the general laws relative to the incorporation of towns, upon complying with the provisions of this act.

Sec. 2. Organize under general law. Whenever such city or town shall desire to abandon its charter as aforesaid, the city or town council or board of trustees may, by resolution approved by the mayor thereof determine to abandon such charter and organize under the provisions of the general laws. Such resolutions and approval shall thereupon be certified to the governor of the state under the seal of such city or town, and the governor shall then by public proclamation declare such city or town organized under the provisions of the general laws of the state relative to the incorporation of towns, with all of the powers and obligations pertaining thereto; Provided, further, Said procalmation of the governor shall be published by said city or town for a period of three consecutive weeks in a newspaper of general circulation in said city, and in all cases a certified copy of said proclamation of the governor, together with proof of the publication thereof, as aforesaid, shall be recorded in the office of the county clerk and ex officio register of deeds in the county within which said city is located, and the record of such proclamation shall be received as evidence of the organization and corporate existence of said city or town under the laws of this state, within any of the courts of the state of Wyoming.

Sec. 3. Election. The government of such city or town will continue in authority until the officers elected at the first regular city or town election after said proclamation shall have assumed their respective officers. The first regular city or town election after such proclamation shall be held at the time prescribed in the charter therefor, and the persons elected or appointed to office shall assume their respective offices on the second Tuesday in May following their election; Provided, however, that all regular city or town elections subsequent to the first election

after said proclamation of the governor, shall be upon the dates provided therefor by the general laws relative to the incorporation of towns and the officers elect shall assume office at the dates therein fixed.

Sec. 4. Officers to be elected. At the first election subsequent to the proclamation of the governor as aforesaid, there shall be elected one mayor and one councilman to hold office for the term of two years from and after the second Tuesday in May following their election; on the second Tuesday in May on the year following said first election there shall be elected two councilmen to hold office for the term of three years; and on the second Tuesday in May of the second year following said first election, and every two years thereafter, there shall be elected one mayor for the term of two years and two councilmen for the term of four years. All of the officers named above shall hold office until their successors are elected and qualified.

GENERAL INCORPORATION OF TOWNS.

§ 1556. Appointment of election inspectors. The board of the county commissioners shall hear all the parties interested in such application, who shall appear and ask to be heard, and it may adjourn such hearing from time to time. If such board, after hearing the parties, shall be satisfied that all the requirements of this chapter in respect to such application have been fully complied with, and that such territory contains the population required by § 1551, it shall make an order appointing three inspectors, who shall at once call an election of all the qualified electors residing within the territory embraced within said limits as described and platted, to be held at some convenient place within said limits, the notice for which shall be given by publication in some newspaper published within said limits, if there be any, for three successive weeks, and by posting notices in five places within said limits. If there be no newspaper within said limits, then such notice shall be given by posting in eight public places within the same; said posting and the first publication to be not less than three weeks preceding such election. Such notice shall specify the place and time of such election; it shall contain a description of the limits of said proposed town or city. Said inspectors shall act as judges and clerks of the election, and shall qualify as required by law for judges and clerks at city and town elections, and shall report the result of the ballot to the said board of the county commissioners, which report shall be filed with the county clerk aforesaid. The ballots used at said election shall be "for incorporation" or "against incorporation." [L. 1890, ch. 25, § 3; R. S. 1899, § 1526.]

State v. Lamoureaux, 3 Wyo. 731, 30 Pac. 243.

§ 1557. Election to incorporate. If a majority of the ballots cast at such election be in favor of such incorporation, the county clerk shall, immediately on the report of the said inspectors being filed in his office, give notice of the result by publication in a newspaper, or if no newspaper be published in the county, by posting in five public places within the limits of the proposed city or town, and a copy of such notice with proper proof of its publication, shall be filed in the office of the said county clerk with the papers in the case. When the above requirements are complied with and officers are elected and qualified for such city or town as hereinafter provided, the incorporation thereof shall be complete, whereof notice shall be taken in all judicial proceedings. [L. 1890, ch. 25, § 4; R. S. 1899, § 1527.]

State v. Lamoureaux, 3 Wyo. 731, 30 Pac. 243.

§ 1558. **Election officers.** When the incorporation of such city or town is completed, the inspectors mentioned in § 1556 shall give notice, for two consecutive weeks, of the time and place of holding the first election of officers thereof by publication in a newspaper, or if none be published within the limits of such city or town, by posting in five public places within the limits of the same. At such election the qualified electors of such city or town shall choose officers thereof. Said inspectors shall act as judges and clerks of the election, and otherwise it shall be conducted and the officers elected thereat shall be qualified in the manner prescribed by law for the election and qualification of city and town officers. In the receiving and canvassing of votes, the inspectors shall be governed by the laws then existing, so far as the same are applicable, for the election of city and town officers. [L. 1890, ch. 25, § 5; R. S. 1899, § 1528.]

State v. Lamoureaux, 3 Wyo. 731, 30 Pac. 243.

§ 1560. **Qualifications of voters.** Every elector of the county residing in such town shall be entitled to vote at such first election; and at all subsequent elections, every elector of the county, possessing the qualifications prescribed by the general municipal election laws of the state, shall be a qualified voter. [R. S. 1887, § 453; R. S. 1899, § 1530; L. 1909, ch. 92.]

§ 1561. **Canvass of votes.** Immediately upon the closing of the poll, the inspectors of such first election shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; which certificate shall be filed with the clerk of such town as soon as he shall have qualified. [R. S. 1887, § 454; R. S. 1899, § 1531.]

§ 1562. **Determination of election.** The persons who are eligible and who shall have received the highest number of votes at such election shall be deemed elected, and each person so elected shall be at once notified in writing of his election by such inspectors. [R. S. 1887, § 455; R. S. 1899, § 1532.]

§ 1563. **Certificates of election.** Such inspectors shall also make a certified statement over their own signatures of the persons elected to fill the several offices in said town at such first election, and shall file the same in the office of the register of deeds of the proper county, within fifteen days after the date of such election, and no act or ordinance of any town council chosen at such first election shall be valid until the provisions of this section are substantially complied with. [R. S. 1887, § 456; R. S. 1899, § 1533.]

§ 1564. **Record of certified statement of election.** It shall be the duty of the register of deeds of such county to make a record of such certified statement, for which service there shall be paid the same fee as is allowed for similar services in other cases. [R. S. 1887, § 457; R. S. 1899, § 1534.]

§ 1565. **Town officers—Their qualifications.** The municipal officers of such town shall be a mayor and four councilmen, who shall together form a town council, all of whom shall be elected; and also, one marshal, who shall be ex officio fire warden and street commissioner, one clerk who shall be ex officio assessor, one treasurer, all of whom shall be appointed, and also such other appointed officers as shall be provided for by ordi-

nance under the provisions of this chapter. All officers of such town, whether elected or appointed, shall be qualified electors and residents of such town, and no person shall be eligible to any office in such town who is a defaulter to the corporation. [L. 1888, ch. 43, § 1; R. S. 1899, § 1535.]

NOTE—See form of treasurer's bond required by Ch. 28.—Compiler.

§ 1566. Term of office. The officers first elected shall hold their offices until the second Tuesday in May following their election, and those subsequently elected shall hold their respective offices until the second Tuesday in May following their election, and until their successors are elected and qualified; Provided, That of the four councilmen first elected two shall hold their offices until the second Tuesday in May following their election, and two until one year from the second Tuesday in May following their election. At the first meeting of the town council it shall be decided by lot which of the four councilmen shall hold office for the long term; and thereafter at each annual election two councilmen shall be elected whose term of office shall be for a period of two years, and until their successors are elected and qualified. [R. S. 1887, § 459; R. S. 1899, § 1536.]

NOTE—As to official terms and salaries, when population exceeds 3,500 and under 5,000, see Secs. 1798, 1799.—Compiler.

§ 1567. Official terms—Population 1,000 to 3,500. In every town incorporated under the general laws of this state having a population of not less than one thousand nor more than thirty-five hundred, to be determined by the last preceding United States census, and which is not embraced within the definition of cities either of the first or second class as heretofore defined by law, the term of office of the mayor shall be two years and of councilmen four years, and at the election held on the second Tuesday in May, A. D. 1905, in such towns as come within the provisions hereof, there shall be elected one mayor, for the term of two years, and two councilmen for the term of four years, and every two years thereafter there shall be elected one mayor for the term of two years, and two councilmen for the term of four years; Provided, That on the second Tuesday in May, A. D. 1906, there shall be no election for mayor, but two councilmen shall then be elected, who shall hold office until the second Tuesday in May following their election. [L. 1905, ch. 74, § 1.]

§ 1569. Elections, when held. All elections for officers, after the first election, shall be held on the second Tuesday in May of each year, at such place as may be designated by the town council; and at the first and all subsequent elections the polls shall be opened at ten o'clock in the forenoon and closed at four o'clock in the afternoon. [R. S. 1887, § 460; R. S. 1899, § 1537.]

NOTE—See general municipal election laws, Ch. 154.—Compiler.

§ 1570. Elections in incorporated towns. In all elections held in all towns incorporated under this chapter, all persons who have registered less than two years before such election, during a regular registration period for county elections, shall be entitled to vote at such elections in the precinct in which they are registered; Provided, They are bona fide residents of the precinct in which they offer to vote. All other persons who are duly qualified electors in the precinct in which they offer to vote, shall be permitted to vote in such precinct, by taking and subscribing the same oath as is prescribed for registration in § 2150 at the time they shall offer to vote, and such clerk of election shall have power to administer such oath; Provided, That the law in reference to challenges at such elections is not hereby abridged, except as herein modified; Provided, further, That the town clerk of such town shall post at least one copy of the

registry list as furnished him by the county clerk, in each voting precinct, and shall cause to be prepared, and have on file in his office at least three days before such elections, at least one copy of such registry list, for each voting precinct, said lists to be open to public inspection. The mayor of such town, by and with the advice of the council, may appoint one or more clerks of election for each voting precinct, in addition to the number now provided by law, for the purpose of facilitating registration on the day of the elections herein provided for, who shall have the same power as other clerks of election, and who shall have the power herein provided for clerks of election. No registration other than that herein mentioned shall be necessary at or for any municipal election in any town incorporated as herein mentioned, and all acts and parts of acts in conflict herewith are hereby repealed. [L. 1909, ch. 128, §§ 1, 2.]

§ 1571. Notification of election—Oath of officers. It shall be the duty of the town clerk within five days after the result of the election is declared, or any appointment made, to notify all persons so elected or appointed to office, of their election or appointment, as the case may be; and each officer so elected or appointed, shall, within five days after such notice, take and subscribe before some person authorized to administer the same, the oath required of county officers, with such additions as may be prescribed by ordinance, and for the faithful performance of the duties of his office, and shall file the same with the clerk of such town; and unless such oath shall be so taken and filed within the time aforesaid, the office shall thereby become vacant. [L. 1888, ch. 43, § 2; R. S. 1899, § 1538.]

§ 1573. Notice of elections. It shall be the duty of the clerk of such town to give at least ten days notice in writing, by posting the same in at least three public places in such town, of the time and place of holding all elections. [R. S. 1887, § 463; R. S. 1899, § 1540.]

§ 1579. Inspectors of election. Except as otherwise provided in this chapter, the manner of conducting the voting at all elections held under the provisions of this chapter, and the manner of contesting the same, and the manner of keeping poll-lists and canvassing votes shall be the same as in the election of county officers under the general laws of this state; and at all elections held under the provisions of this chapter, after the first election, a board of three persons appointed by the town council from among the qualified electors of such town shall be inspectors of elections, and such inspectors of elections shall appoint clerks when necessary and shall fill vacancies in their own board, and the inspectors and clerks shall take the same oaths and have the same powers and authority as the judges and clerks of elections would under the general laws of the state. After the close of the polls the ballots shall be counted and the returns made out and returned, under seal, to the town clerk, and thereupon the town council shall examine and canvass the same and declare the result of the election and cause a statement thereof to be entered upon its journal. In case of a tie vote in the election of any town officer, it shall be determined by lot, in the presence of the town council, in such manner as they shall direct, which candidate shall be entitled to office. [L. 1888, ch. 43, § 5; R. S. 1899, § 1546.]

NOTE—See general municipal election laws, Ch. 154.—Compiler.

CITIES OF THE FIRST CLASS.

§ 1628. Wards. Every city governed by this chapter shall be divided into not less than three wards, as compact in form and equal in proportion as may be, and no ward shall contain less than one thousand in-

habitants, the boundaries of which shall be defined by ordinance. Each ward shall constitute an election district. [L. 1895, ch. 80, § 10; R. S. 1899, § 1596; L. 1907, ch. 71, § 5.]

§ 1629. **Elections—When held.** The general city election in all cities governed by this chapter, shall be held on the Tuesday following the first Monday in November of each year. The polls shall be opened in such place as may be designated by the mayor or be fixed by ordinance; and shall be kept open from the hour of nine o'clock in the morning until five o'clock in the afternoon, and no longer; Provided, That whenever the city election shall occur at the same time provided by law for state and county elections, the city clerk shall certify to the county clerk the list of nominations made for such city election and the names of the candidates for city offices shall be printed upon the same ballot provided by the county for the election of state and county officers. And in such case the city shall pay its pro rata proportion of the cost of printing and preparing such ballots. In the case last named the nominations for offices to be voted for at a city election shall be made to the city clerk within the time limited to nominations for county offices, being certified to the county clerk of such county by the city clerk; Provided, further, That whenever the city election in any city or cities shall occur at a time not provided by law for state and county elections, and at a time when no state or county election is to be held, such election shall be conducted in all respects as heretofore provided by law for municipal elections, and in such cases, the provisions of chapter 154 shall govern said elections in so far as they shall be applicable and not inconsistent with the provisions of this chapter; and Provided, further, That whenever the city election in any such city or cities shall occur at the same time provided by law for state and county elections, and at the same time when a state or county election is to be held, the judges and clerks of election in the precincts within such city or cities respectively appointed for the purpose of conducting the election for state and county officers, shall also conduct the election for city officers, and the election for city officers shall in such case, be canvassed in the same manner as the election for county officers. In such case the county clerk for the proper county shall certify to the city clerk of the city the result of such canvass, and it shall be the duty of the city clerk to issue to the officers, so elected, proper certificates of their election. The mayor and council of any city to which this act shall apply shall not be required, after February 20th, 1907, to designate judges or clerks of election or polling places when the city election shall be held at the same time and place as the election for county and state officers; but, in such case, the same polling places within the city shall be used as those used for the election of state or county officers; and Provided, further, That whenever the election for city officers in any city to which this act shall be applicable, shall occur at the same time as that provided by law for state and county election, it shall not be necessary for any registration of votes other than that provided by law for the registration of voters for state and county election; but in such case the registration of voters made in manner provided by law preceding state and county elections shall be used and shall control, so far as applicable, in the election for city officers, but only duly qualified electors residing within the city shall be permitted to vote for city officers. Whenever the city election in such city shall occur in a year or at a time when there shall not be an election for state and county officers, the provisions of §§ 2287 to 2300, inclusive, respecting the registration of voters for city elections and the qualifications of voters thereat, shall govern and control at such election; and Provided, further,

That in case at any precinct, whenever the city election shall be held at the same time as state and county elections, there shall be voters qualified to vote at such precinct for state or county officers, but are not entitled to vote for city officers, the judges of election shall furnish to such voters a ballot not containing the names of the candidates for city officers; and the judges of such precincts shall be furnished by the county clerk a reasonable number of ballots not containing the names of candidates for city offices, for the purposes aforesaid. [L. 1895, ch. 80, § 12; R. S. 1899, § 1598; L. 1907, ch. 71, § 6.]

§ 1630. Special elections. Special elections may be held in all cities of the first class for all purposes authorized by law or the constitution of the state, by giving proper notice thereof by the mayor, duly authorized by the council, for at least ten days previous to such special election, by publishing such notice in at least one newspaper published in such cities. All persons who have been registered less than two years before such election, during a regular registration period for county or city elections, shall be entitled to vote at such special elections in the precinct in which they are registered, provided they are bona fide residents of the precinct in which they offer to vote. All other persons who are duly qualified electors in the precinct in which they offer to vote, shall be permitted to vote in such precinct, by taking and subscribing the same oath as is prescribed for registration in § 2150 at the time they shall offer to vote, and such clerk of election shall have power to administer such oath; Provided, That the law in reference to challenge at such elections is not hereby abridged, except as herein modified; Provided, further, That the city clerk of such city shall post at least one copy of the registry list as furnished him by the county clerk, in each voting precinct, and shall cause to be prepared, and have on file in his office at least three days before such election, at least one copy of such registry list for each voting precinct; said lists to be open to public inspection. The mayor of such city, by and with the advice of the council, may appoint one or more clerks of election, for each voting precinct, in addition to the number now provided by law, for the purpose of facilitating registration on the day of the elections herein provided for, who shall have the same power as other clerks of election, and who shall have the power herein provided for for clerks of elections. [L. 1909, ch. 51, § 50.]

§ 1631. Election of officers. At the first annual election of any city under the provisions of this chapter, a mayor shall be elected by a plurality of votes for the term of two years, and biennially thereafter. And in each ward of said city, as constructed under the provisions of this chapter, not less than two nor more than three councilmen shall be elected for the terms of one and two years respectively, in case two councilmen shall be elected from each ward; and for one, two, and three years, respectively, in case three councilmen shall be elected therefrom, and one annually therafter, for the period of two or three years, as there shall be two or three councilmen elected; the number of councilmen to be elected from each ward to be fixed by the council at such time or times as they may provide for the number of wards constituting such city; Provided, That the terms of all officers then in office and whose terms are unexpired, shall hold their offices until the first Monday in January following the first annual election held under the provisions of this chapter, and the terms of all elective officers shall commence on the first Monday in January after their election and shall continue until their successors are elected and qualified. [L. 1895, ch. 80, § 13; R. S. 1899, § 1599; L. 1907, ch. 71, § 7.]

§ 1633. Electors—Qualifications. The qualifications of electors in the several wards shall be the same as is required for electors under the laws of the state; Provided, Such electors shall be actual residents in the ward in which they shall vote. At a meeting of the city council on the first Friday in December after any city election, held in a year when no general state or county election is held, the returns shall be canvassed and they shall cause the clerk to make out and deliver certificates of election to the persons found to be elected. [L. 1895, ch. 80, § 15; R. S. 1899, § 1601; L. 1907, ch. 71, § 9.]

§ 1636. Officers—Who qualified—Bonds. All officers shall be qualified electors of the city, entitled to vote at all elections therein. Each officer shall give such bond in such amount and upon such conditions as may be provided by ordinances. [L. 1895, ch. 80, § 18; R. S. 1899, § 1604.]

§ 1740. Special election—Bonds. Whenever it shall be determined by majority vote of the city council of any such city, with the approval of the mayor of the city, that an issue of bonds should be made under any of the provisions of this chapter, if such determination be made more than six months prior to an annual election, the mayor shall call a special election for the purpose of voting upon the question of such bond issue; if such determination be made less than six months prior to the general election, the question of the issuance of such bonds shall be voted upon at the general election. Before any special election called under the provisions of this chapter a notice shall be given by publication in the official newspaper of such city for thirty days prior to the date fixed for such special election; whenever any proposition for the issuance of bonds is to be voted for at a general annual election, such notice shall be given thirty days prior to such annual election, by publication in the official newspaper of the city. Said notice shall specify the purposes for which said bonds are to be issued and an estimate of the amount of the issue, and shall notify the electors of the city that they will be called upon to vote either for or against such issue at such election. It shall be the duty of the city clerk of such cities to cause ballots to be prepared, either separately from other ballots in case of a special election, or upon other ballots in case of an annual election, with the words, "For the issue of city bonds for (the purposes for which the bonds are to be issued)," and "Against the issue of city bonds (for the purposes for which the bonds are to be issued)," leaving the place opposite each proposition in which the voter shall mark by appropriate symbol his vote for or against such bonds. If upon a canvass of the votes upon such proposition a majority of the votes be for the issue of such bonds, then the mayor and city council are authorized to issue such bonds as provided in this chapter. [L. 1895, ch. 80, § 60; R. S. 1899, § 1646.]

ELECTIONS IN CITIES OF SECOND CLASS.

§ 1769. Classification. For the purposes of this chapter all incorporated cities, in this state, whether incorporated under a general law or a special act, having a population of six thousand or more, and less than nine thousand, according to the census taken last preceding, under the authority of the United States of America, or of this state, shall be cities of the second class. The said cities of the second class as defined by this chapter, shall be hereinafter referred to and designated as "said cities" or "said city." Nothing in this chapter contained shall be held or construed to invalidate any acts, proceedings or elections, held, had, con-

ducted or performed under and by virtue of the section hereby amended and the chapter containing it, but any and all elections held under the provisions of said chapter and the section hereby amended, in said cities of the second class as therein defined, during the year A. D. 1900, are hereby legalized and shall be deemed and held to be legal and valid, whether the said cities were then cities of the second class, as defined by the section hereby amended, or under the provisions of this chapter. [L. 1897, ch. 28, § 1; R. S. 1899, § 1673; L. 1901, ch. 15, §§ 1, 2.]

§ 1771. Elective and appointive officers. At all elections hereafter held in said cities, there shall be elected the mayor and the councilmen, and no other officers; and all other officers of said cities, holding regular and fixed terms, including the treasurer and the clerk, shall be appointed by the mayor, by and with the advice and consent of the council. [L. 1897, ch. 28, § 3; R. S. 1899, § 1675.]

§ 1772. Municipal elections. At the first election held in any city next ensuing after such city shall acquire the requisite population to come within the provisions of this chapter, there shall be elected the mayor and also the councilmen who are then to be elected according to the laws and ordinances heretofore in force, and they shall hold their offices respectively for the terms beginning with the date of their qualification, according to the laws or ordinances heretofore in force, to and until the first Monday in January succeeding the first ensuing general election of county officers; and all appointive officers of said city appointed at the time fixed by the laws or ordinances heretofore in force after said first city election shall hold their offices for the period prescribed for elective officers by this section, and until their successors are appointed and qualified. The councilmen whose terms of office extend beyond said first city election, shall continue in office until their terms have severally expired, when their immediate successors shall be appointed by the mayor, by and with the advice and consent of the councilmen whose terms of office shall not have expired at the time of such appointment. Such appointees shall be appointed for the fractional term intervening between their appointment and the first Monday in January succeeding the next ensuing general election of county officers, and they shall severally reside in the ward which they are appointed to represent. [L. 1897, ch. 28, § 4; R. S. 1899, § 1676.]

§ 1773. Election of officers. At the first election held in said cities, occurring at the time of the general election of county officers, each ward shall elect two councilmen, one of whom shall be elected for the term of two years, and one of whom shall be elected for the term of four years, and the term of such service shall be printed on the official ballot of such election; and thereafter, at each succeeding election held in said cities, one councilman shall be elected in each ward for the full term of four years. The mayor elected at each election held at the time of the general election for the election of county officers, shall be elected for the term of two years from the time fixed for his qualification. [L. 1897, ch. 28, § 5; R. S. 1899, § 1677.]

§ 1774. Terms of office. The terms of office of the mayor and councilmen, elected at the time of holding the general election for the election of county officers, shall begin on the first Monday of January next succeeding their election, and the terms of all appointive officers of said city shall be for two years following their appointment and until their successors are appointed and qualified and their terms of office shall begin as near as practicable on the first Monday in January in each odd numbered year, but the appointive officers of said city, at the time such city shall

acquire the requisite population to come within the provisions of this chapter and holding their appointment by virtue of the laws or ordinances heretofore in force shall hold such appointment until the first Monday in January succeeding the first ensuing general election of county officers, and until their successors are appointed and qualified. [L. 1897, ch. 28, § 6; R. S. 1899, § 1678.]

§ 1775. Wards. Each city of the second class shall have power, in its corporate capacity to divide the city into three wards, define the boundaries of each ward, and change, from time to time, the boundaries thereof, in such manner as shall make said wards of equal population of voting strength, as near as practicable, or in such manner as shall be deemed necessary and expedient for the convenience of the people. [L. 1897, ch. 28, § 7; R. S. 1899, § 1679.]

§ 1776. Election—When held—Officers. The city election in said cities shall be held in each even numbered year, at the date and time of the general county elections. The judges and clerks of such county elections, within the limits of said cities, shall act as judges and clerks for the election of city officers at such elections, but they shall receive no additional compensation for their services in conducting said elections or performing any duties connected therewith, than that which may be provided by law. The said judges of election shall count and canvass the votes for city officers voted for at such elections, and make due return thereof, as in the case of county officers. The names of all candidates for city officers shall be printed on the official ballots for county officers, and the said cities shall pay their pro rata and proportionate share of the cost of preparing and printing such ballots. Such elections in regard to the city officers shall be conducted and canvassed in the same manner as in the case of county officers, and the county clerk shall issue certificates of election to the city officers elected at such elections, as in the case of county officers elect. The nominations of all candidates for city officers, made prior to such elections, shall be in due time certified to the county clerk, as in the case of county officers, within the time required by law for filing certificate of nominations for county officers. [L. 1897, ch. 28, § 8; R. S. 1899, § 1680.]

§ 1777. Tie vote—How decided. When a tie shall occur in the election of any city officer, the county clerk shall certify that fact to the city council, and such council shall, by order or resolution, entered of record, declare which of the persons receiving the same and equal number of votes at such election, shall be elected, and thereupon the person declared elected shall be entitled to hold office for the full term thereof. [L. 1897, ch. 28, § 9; R. S. 1899, § 1681.]

§ 1798. Terms of office in cities of 3,500 to 5,000 population. In every town incorporated under the general laws of this state having a population of not less than thirty-five hundred nor more than five thousand, to be determined by the last preceding United States census, not being a county seat and which is not embraced within the definition of cities either of the first or second class as heretofore defined by law, the term of office of the mayor shall be two years, and of councilmen four years; Provided, That at the next annual town election, after February 18, A. D. 1899, in such towns as come within the provisions hereof, the mayor and councilmen then to be elected shall each be elected for the term of one year, and at the regular town election in the following year the mayor shall be elected for the term of two years, and two councilmen for the term of two years, and two councilmen for the term of four years, and

every two years thereafter there shall be elected one mayor for the term of two years, and two councilmen for the term of four years. [L. 1899, ch. 56, § 1; R. S. 1899, § 1758.]

WATER WORKS FRANCHISE.

§ 1811. Franchise. The corporate authorities of any city or town within this state shall not grant a franchise as provided in this chapter until the question shall have been first submitted to the voters of such city or town and by them approved by a majority of all the votes cast at such election. [L. 1890, ch. 33, § 8; R. S. 1899, § 1699.]

§ 1812. Election. Any city or town council wishing to avail itself of the provisions of this chapter, shall pass an ordinance calling an election and submitting the question to the voters of such city or town as to whether such city or town shall grant a franchise for the construction of water works, which election shall be controlled and governed by the provisions of the law now in force for the holding of elections in cities and towns for the selection of officers thereof. [L. 1890, ch. 33, § 9; R. S. 1899, § 1700.]

CHARTERED CITIES WITH 10,000 POPULATION.

For the provisions governing elections in cities incorporated under a special charter and having a population of not less than ten thousand, heretofore applicable only to the city of Cheyenne, but not applicable since the adoption of the commission form of government, see Chapter 125, Wyoming Compiled Statutes.

METHOD OF FILLING VACANCY IN CITY OR TOWN COUNCIL.

Chapter 27, Session Laws, 1913.

Section 1. Vacancy filled at next general election. In case of any vacancy in the council of any town or city, whether such town or city is incorporated under the general laws of this state or by special act of the legislature, such vacancy shall be filled at the next general municipal election held in any such city or town, the person so elected to fill such vacancy holding for the balance of the regular term of the member whose place is thereby filled; Provided, however, That in the event that vacancies shall occur in any such council so that a quorum cannot be obtained, then, and in that event, the mayor of said city or town shall within ten days thereafter cause a proclamation to be issued for a special election in the said city or town to fill such vacancies; such special election shall be held in the manner by law provided, within twenty days after such proclamation is issued.

BONDS.

§ 1870. Proposition to issue water bonds. No bonds shall be issued for the purpose provided by this chapter until the proposition to issue the same shall have been submitted to a vote of the qualified electors of such city or town, and by them approved; such proposition to be so submitted at any annual election or at a special election to be called for that purpose; such election to be conducted in the same manner as other city or town elections; the proposition so submitted to a vote of the qualified electors shall specify the amount of bonds proposed to be issued, the rate of interest and the purpose for which it is proposed to issue the bonds. At any such election the official ballot shall contain the words: "For water

bonds," and "Against water bonds," as the case may be. If a majority of the votes cast upon the proposition shall be for the bonds, then such proposition shall be deemed to have been approved by the people. At such election the elector shall prepare his ballot by crossing therefrom such parts so that the remaining parts shall express his vote upon the proposed question submitted. [L. 1895, ch. 8, § 1; R. S. 1899, § 1708.]

City of Cheyenne v. State, 17 Wyo. 97, 96 Pac. 244.

For the provisions governing the issuance of other classes of bonds see the following: Viaduct Bonds, Sec. 1881. Sewerage and Irrigation Bonds, Sec. 1888. Electric Plant Bonds, Sec. 1902. Park Bonds, Sec. 1913. School District Bonds, Secs. 2028, 2029.

SCHOOL ELECTIONS.

For the provisions governing elections in school districts, see Chapter 135, Wyoming Compiled Statutes, 1910; also School Laws of Wyoming, issued by the State Superintendent of Public Instruction.

For elections in High School Districts, see Chapter 142, Wyoming Compiled Statutes.

CHAPTER 143.

GENERAL ELECTIONS.

§ 2084. Time of general elections—What officers elected. There shall be held in the several voting precincts of Wyoming, on the Tuesday next after the first Monday in November, in the year eighteen ninety-two, and on the Tuesday next after the first Monday in November in each second year thereafter, a general election, at which the following officers shall be elected: A representative or representatives in congress, members of the senate and house of representatives of the state from each county as provided by law, and to which such county may be entitled, and all state and district executive and judicial officers which are made elective by law, whenever there is a vacancy in any state or district executive or judicial office, or whenever subsequent to such election and prior to the next general election, any state or district executive or judicial offices shall become vacant by reason of the termination of the terms of office of the incumbents therein; Provided, however, That whenever a vacancy in any state or district office as aforesaid shall occur, less than twenty-five days prior to such election then, in that case, at such election no person shall be elected to fill such vacancy. [L. 1890-91, ch. 100, § 1; R. S. 1899, § 195.]

In re Moore, 4 Wyo. 98, 31 Pac. 980; State v. Schnitger, 17 Wyo. 80, 96 Pac. 238.

§ 2085. Presidential electors. At the general election held in the year nineteen hundred and at the general election held every fourth year thereafter, there shall be elected the number of electors of and for the president and vice-president of the United States of America, to which this state may be entitled. [L. 1897, ch. 53, § 1; R. S. 1899, § 196.]

§ 2086. Representatives in congress and members state legislature. At each of said elections, there shall also be elected as many representatives in congress, as may be apportioned by congress to this state, and in each county, such state senator or state senators, as the said county may be entitled to by law, and as should be elected at such election, and also such representative or representatives in the legislature of this state, as such county as a representative district shall be entitled to by law. [L. 1890-91, ch. 68, § 3; R. S. 1899, § 197.]

State v. Brooks, 14 Wyo. 418, 84 Pac. 488, 6 L. R. A. (N. S.) 750.

§ 2087. Vacancy in state office. At each of said general elections there shall also be elected such state officers as may be required to be elected to fill any vacancy occurring by operation of law, or the constitution of this state, including any vacancy or vacancies in the office of justice of the supreme court. [L. 1890-91, ch. 68, § 4; R. S. 1899, § 199.]

In re Moore, 4 Wyo. 108, 31 Pac. 980; State v. Brooks, 14 Wyo. 418, 84 Pac. 488, 6 L. R. A. (N. S.) 750.

Section 1. United States senator. Whenever by amendment to the constitution of the United States senators in congress are required to be elected by the people of the several states, and a senator in congress is to be elected by the people of this state, such election shall occur at the general election to be held next preceding the commencement of the term of the senator to be elected, and such election shall be conducted in all respects in the same manner as provided by law for the election of a representative in congress, including the proclamation for the election, the nomination of candidates, the certification of candidates, the preparation and marking of ballots, canvass of the vote and certifying to the election, and all the provisions of law now or hereafter in force governing the nomination of candidates for and the election of a representative in congress are hereby made applicable to and shall govern and control the nomination of candidates for and the election of senators in congress. Provided, That in case of such amendment to the constitution of the United States, any vacancy occurring in the office of a senator in congress from this state shall be filled at the next general election following the occurrence of such vacancy, and that in the meantime such vacancy shall be filled temporarily by appointment by the governor of the state, and the person so appointed shall hold said office until the vacancy shall be filled by election at the time and in the manner herein provided. [Chapter 91, Session Laws, 1913.]

§ 2088. State officers. At the general election held in the year one thousand, eight hundred and ninety-four, and at the general election held every fourth year thereafter, there shall be elected a governor, a secretary of state, an auditor, treasurer, a superintendent of public instruction, and such other state officers as are, or may be, created by law and made elective, whose election shall occur, or ought to occur, at such general election. [L. 1890-91, ch. 68, § 6; R. S. 1899, § 198.]

In re Moore, 4 Wyo. 108, 31 Pac. 980; State v. Brooks, 14 Wyo. 418, 84 Pac. 488, 6 L. R. A. (N. S.) 750.

§ 2089. Justices of supreme court. Justices of the supreme court shall also be elected at such general election as shall occur next preceding the expiration of their respective terms, whether the same shall be for full terms, or to fill a vacancy or vacancies in an unexpired term. [L. 1890-91, ch. 68, § 7; R. S. 1899, § 200.]

State v. Brooks, 14 Wyo. 418, 84 Pac. 488, 6 L. R. A. (N. S.) 750.

§ 2090. District judges. At the general election held in the year A. D. eighteen hundred and ninety-six, and at the general election held every sixth year thereafter, there shall be elected in each judicial district in this state one judge of the district court for such judicial district, and in case of a vacancy occurring in the said office of a judge of the district court, in any judicial district of this state, either as now or as hereafter constituted, for any cause whatever, such vacancy shall be filled at the general election, when such vacancy shall be required to be filled by law or the constitution of this state. [L. 1890-91, ch. 68, § 8; R. S. 1899, § 201.]

State v. Brooks, 14 Wyo. 418, 84 Pac. 488, 6 L. R. A. (N. S.) 750; State v. Schnitger, 17 Wyo. 80, 96 Pac. 238.

Sec. 4. Election—Fifth and sixth districts. At the next general election a judge of said fifth judicial district and a judge of said sixth judicial district shall be elected who shall take office upon the first Monday in January succeeding their election. [Chapter 119, Session Laws, 1913.]

§ 2091. County officers to be elected. The following county and precinct officers shall hold their office by election; and there shall be held in the several voting precincts of this state, on the Tuesday next, following the first Monday in November, in the year of our Lord, one thousand, eight hundred and ninety-two, and on the Tuesday next following the first Monday in November, in each second year thereafter, a general election at which the following county and precinct officers shall be elected:

The clerk.
The commissioners.
The surveyors.
The sheriff.
The county treasurer.
The county and prosecuting attorney.
The superintendent of schools.
The assessor.
The coroner.
The justices of the peace.
The constables.

The clerk of the district court for each county, whenever his term of office shall expire before the next general election, or whenever a vacancy therein is to be filled, and such other county and precinct officers which may be created and made elective by law. In counties having an assessed valuation not exceeding five million dollars, the county clerk shall be ex officio clerk of the district court, and shall perform all the duties pertaining to the office of clerk of the district court, but shall receive no additional or separate compensation therefor. [L. 1890-91, ch. 68, § 1; L. 1890-91, ch. 100, § 3; L. 1895, ch. 73, § 1; L. 1899, ch. 65, §5; R. S. 1899, § 202.]

Reals v. Smith, 8 Wyo. 165, 176, 56 Pac. 690; State v. Brooks, 14 Wyo. 418, 84 Pac. 488, 6 L. R. A. (N. S.) 750; State v. Schnitger, 17 Wyo. 80, 96 Pac. 238; Ballantyne v. Bower, 17 Wyo. 361, 99 Pac. 869.

§ 2092. Who may vote. Except as hereinafter provided, every person shall be qualified and entitled to vote, who is a citizen of the United States, and over the age of twenty-one years, and who has been a bona fide resident of Wyoming for one year, and of the county wherein his residence is located, sixty days next preceding the election at which he votes and of the election district wherein he seeks to vote, for a period of ten days next preceding such election, and who shall be able to read the constitution of this state, and who has complied with the provisions of law concerning registration; provided, however, that any person prevented by physical disability from being able to read the constitution of this state, shall not for that reason, while laboring under such disability, be deprived of his right to vote. Provided, further, that where any qualified elector who has registered in any precinct in any city or town moves into any other precinct in such city or town, before the date of election, such voter shall be entitled to vote in the precinct where registered. Provided, further, that any person who is a citizen of the United States and who was a qualified elector in Wyoming on the tenth day of July in the year eighteen hundred and ninety, and who has since

then continued to be a resident of this state, and has complied with the provisions of law concerning registration, shall continue to be an elector of this state; and provided, moreover, that any person who is serving in the army of the United States, or an officer or soldier, and who is residing on any military reservation in this state shall not be entitled to vote at any election held in this state, unless such person has acquired the rights of citizenship by residence therein for a period of not less than one year while not serving in the army of the United States as such officer or soldier. [Chapter 60, Session Laws, 1911.]

§ 2093. Elector absent from his precinct. It shall be lawful for any elector being a qualified elector of the state of Wyoming, who may, on the occurrence of any general election, be unavoidably absent from his county or precinct because his duties or occupation or business require him to be elsewhere within the state, to vote for county, district or state officers, members of the legislature, members of congress and electors of president and vice president of the United States in any precinct where he may present himself for that purpose on the day of such election, under the regulations hereinafter prescribed. [L. 1905, ch. 88, § 1.]

§ 2094. Certificate from registration officer. Such elector must obtain from the registration officers of the precinct in which he is entitled to vote a certificate showing that such elector is entitled to vote, giving the name and residence of such elector, also the number of the registration as appears upon the registration books of such precinct, and if any elector so applying to vote whose place of residence is in a precinct where prior registration is by law not required, then such elector must furnish such judges of election his affidavit taken before the county clerk of his county, which affidavit shall show the name of such elector, his business and occupation, his place of residence and that such residence is located in a precinct where prior registration is not required by law. [L. 1905, ch. 88, § 2.]

Canvassing Board Carbon Co. v. State, 17 Wyo. 371, 99 Pac. 1116.

§ 2095. Affidavit. The voter so entitled to vote shall present himself at the polls in any precinct in the state where he may be on such election day, and during voting hours, and make and subscribe before one of the judges of election, an affidavit in substance as follows:

The state of Wyoming, county of....., ss.

I, ..., do solemnly swear (or affirm) that I have actually, and not constructively, been a bona fide resident of the state of Wyoming one year, and of the county of.....sixty days next preceding this date, and of election district No.....in said county ten days next preceding this date; that I am an actual resident of polling district No....., in election district No..... in said county (or in the city of.....), and am in all respects a duly qualified elector of said county and precinct; that I am....., and that because of my duties (or occupation or business) as such..... I am required to be absent from my county (or precinct) on this day, and I have not had and will have no opportunity to vote there; and that I have not voted elsewhere at this election.

Any judge of election in any precinct in this state is hereby authorized to administer the oath and take and certify such affidavit. Thereupon the affiant shall be given a blank official ballot, as in the case of a resident voter, and shall mark the same as any resident voter may, and shall fold the same and hand it to the judges, as in the case of a

resident voter, but such ballot shall not be deposited in the ballot box nor entered on the poll books. It shall, together with said affidavit, be securely sealed in an envelope, upon the back of which one of the judges shall write: "The ballot of....., an absent voter of polling precinct No....., in election district No....., in the county of..... (or city of.....)," which shall be signed by one of the judges, a copy of which affidavit the said judges shall retain with the other affidavits and papers in connection with their duties as such. [Chapter 60, Session Laws, 1911.]

§ 2096. Affidavits mailed to home county clerks. All such envelopes shall by the judges of election, be mailed to the county clerks of the county where such elector claims residence not later than the next succeeding day. [L. 1905, ch. 88, § 4.]

§ 2097. Canvass. The said county clerk of the county in which said absent voter resides shall receive said ballot, and shall safely keep and preserve the same unopened in his office until the county canvassing board meet to canvass the vote according to law, at which time, at two o'clock in the afternoon of the first day of the meeting of said canvassing board, any two electors residents of the precinct in which such elector claims residence, may appear before said canvassing board and challenge such voter's right to vote at such election. When such elector shall establish his right to so vote to the satisfaction of said canvassing board in accordance with the election laws of Wyoming. Should no such challengers appear during the first day of meeting of said board, they shall not be permitted to so appear thereafter, should the contention of such challengers be by said board sustained, then said sealed envelope shall be returned to said elector, and the said county canvassing board, in the presence of said county clerk and no other person, shall open all envelopes not so challenged and record the said ballot upon the poll-sheet of the proper precinct or district in their possession, in the same manner as clerks of election record votes, and in so canvassing said vote the said canvassing board shall count the votes of all absent voters taken as herein provided, and add the same to the total of the poll-sheet, in arriving at the total result of the election in the precinct, or election district, where said voter resides. [L. 1905, ch. 88, § 5.]

Canvassing Board Carbon Co. v. State, 17 Wyo. 371, 99 Pac. 1116.

§ 2098. Disposition of ballot after canvass. Said ballot, when so opened by the canvassing board, shall be sealed in an envelope with the endorsement thereon: "Vote of absent voter of polling precinct No....., in election district No....., in the county of..... (or in the city of.....)," and the same shall be kept in the county clerk's office as other ballots are kept until destroyed according to law; and in case of a contested election the same may be counted and opened as in other cases. The said board of canvassers and the county clerk of each county wherein any vote of any absent voter is received, as herein provided, shall keep the fact of such vote and the persons for whom the same is recorded and contents thereof secret and shall not reveal or divulge the same. [L. 1905, ch. 88, § 6.]

§ 2099. Proclamation of election by county commissioners. The board of county commissioners of the several counties shall issue a proclamation at least thirty days, if possible, prior to any general or special election to be holden within their respective counties, except as otherwise provided by law, setting forth the names of all the offices to be filled at such election, and the number of persons required by law to fill

such offices or vacancies occurring under the law in such offices. [L. 1890, ch. 80, § 40; R. S. 1899, § 204.]

§ 2100. **Posting and publishing proclamation of election.** The county commissioners of the several counties shall cause such proclamation to be posted in a conspicuous place at every postoffice within their respective counties and shall also cause the same to be published in the official paper of their respective counties—if there be one—at least twenty days, if possible, before the ensuing election. [L. 1890, ch. 80, § 41; R. S. 1899, § 205.]

§ 2101. **Secretary of state shall notify the boards of county commissioners of state officers to be elected.** The secretary of state shall, between the first and fifteenth day of September in each year, in which a general election is to be held, make out and cause to be delivered to the board of county commissioners of each county a notice, in writing, stating what officers, other than county and precinct officers, are to be elected at such general election and voted for in the several counties. [L. 1897, ch. 53, § 9; R. S. 1899, § 206.]

State v. Schnitger, 17 Wyo. 74, 96 Pac. 238.

§ 2102. **County clerk shall furnish election supplies—Copy of election laws.** The county clerk shall provide at the expense of the county, proper ballot boxes, poll books and other necessary election blanks, official ballots as hereinafter provided, also the election laws of Wyoming in separate pamphlet form for each voting precinct and election district in the county and cause a suitable number thereof to be delivered to the judges of election of each voting precinct at least ten days, if possible, before any election is to be held within his county. [L. 1890, ch. 80, § 55; R. S. 1899, § 207.]

CHAPTER 144.

SPECIAL ELECTIONS.

§ 2103. **Special elections—How conducted.** Special elections shall be conducted and the results thereof canvassed and certified in all respects as near as practicable, in the same manner as in general elections, except as otherwise specially directed. [L. 1890, ch. 80, § 4; R. S. 1899, § 208.]

§ 2104. **Special elections—When held.** Special elections shall be held in the following cases and for the election of the following officers:

First—When there has been no choice at the general election, of any officer, not a precinct officer, who should properly have been chosen at such general election, except as otherwise provided by law.

Second—When the rights of a person elected to the office of member of the senate or member of the house of representatives, shall cease by death, or otherwise, before the commencement of, or during the term for which he shall have been elected.

[L. 1890, ch. 80, § 3; R. S. 1899, § 209.]

State v. Henderson, 4 Wyo. 548, 35 Pac. 517, 22 L. R. A. 751.

§ 2105. **Member of congress—Special election for.** When any vacancy shall occur in the office of representative in congress more than sixty days prior to any general election, the governor may issue an order of election to the board of county commissioners of the several counties, appointing a day to hold a special election to fill such vacancy. [L. 1890, ch. 80, § 48; R. S. 1899, § 210.]

§ 2106. Member of congress—Notice of vacancy in office of. If any vacancy shall exist in the office of representative to congress, one month, if possible, before such election, the secretary of state shall give notice in writing to the board of county commissioners of each county, specifying the cause of such vacancy, the name of the officer in whose office it occurred and the time when his term of office would have expired. [L. 1890, ch. 80, § 49; R. S. 1899, § 211.]

§ 2107. Members of legislature—Special election to fill vacancy. Whenever a vacancy shall occur in the office of any member of the senate or house of representatives, the county clerk of the county or counties in which the member whose office is vacant resided, shall immediately notify the governor of such vacancy, whereupon the governor shall issue an order of election to the board of county commissioners of the county or counties in which the vacancy is to be filled, upon which an election shall be held to fill such vacancy; but unless the legislature shall be in session at the time the vacancy occurs, or there shall be a session between the time at which the vacancy occurs and the next general election, no special election shall be ordered to fill such vacancy. [L. 1890, ch. 80, § 50; R. S. 1899, § 212.]

§ 2108. Special general elections on questions to be decided. Whenever any question is to be brought before and decided by the electors of Wyoming, the governor may call a special election, which shall be conducted the same as a special election, called to fill a vacancy in the office of representative in congress. [L. 1890, ch. 80, § 46; R. S. 1899, § 213.]

§ 2109. County commissioners—Duties of—Special elections. The board of county commissioners of each county shall make all adequate provisions for elections ordered by the governor, and shall carry out all the provisions of law concerning special elections, the same as if the elections had been called by the said board. [L. 1890-91, ch. 100, § 14, sub. 1; R. S. 1899, § 214.]

In re Moore, 4 Wyo. 110, 31 Pac. 980.

§ 2110. Special county elections shall be ordered by county commissioners. All special elections for county and precinct officers, shall be ordered by the county commissioners, which order shall be countersigned by the clerk of the board of county commissioners. [L. 1890, ch. 80, § 53; R. S. 1899, § 215.]

§ 2111. Contents of order for special elections—Time of order. Every order issued for a special election shall specify the county or district in which such election is to be held, the reason for the special election, the name of the office to be filled, the time when the term of office will commence, and the day on which such election is to be held, which shall, if possible, not be less than twenty days from the date of the order of election. [L. 1890, ch. 80, § 54; R. S. 1899, § 216.]

§ 2112. Vacancy in office—Who determines fact of. Whenever it is alleged that a vacancy in any office exists, the officer, court or county board, whose duty it is to fill the vacancy by appointment or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist. [L. 1890, ch. 80, § 47; R. S. 1899, § 217.]

State v. Barber, 4 Wyo. 415, 34 Pac. 1027, 27 L. R. A. 45.

§ 2113. Who may vote at special elections. All persons who have registered either during the registration period immediately preceding

a special election, or a municipal election, or who have registered less than two years before such election, during a regular registration period for county elections or during any special or municipal registration period, subsequent to such regular county election, shall be entitled to vote at such special election, or municipal election as the case may be, in the precinct in which they registered. The provisions of law governing registration and elections shall apply to all special elections and municipal elections. [L. 1895, ch. 77, § 1; R. S. 1899, § 218.]

CHAPTER 145.

NOMINATIONS.

§ 2114. Convention or primary meeting defined. A convention or primary meeting within the meaning of the election laws is an organized assemblage of electors or delegates representing a political party. [L. 1890, ch. 80, § 85; R. S. 1899, § 219.]

State v. Barber, 4 Wyo. 56, 32 Pac. 14.

§ 2115. Application of law—How meetings shall be called. Any caucus or public meeting of the qualified voters of a county, district, city, town, ward of a city or town, or polling precinct, of any specified party or portion of such voters, for the nomination of candidates to be supported at any state, general, county, district, municipal or other election, or for the selection of delegates to any political convention, or for the appointment of any political committee, may be called by written or printed notice, specifying that the same is to be held in accordance with the provisions of this chapter, and such provisions thereof shall then apply to the conduct and proceedings of such meeting. [L. 1897, ch. 53, § 24; R. S. 1899, § 220.]

§ 2116. Officers of meeting. The call for the meeting shall designate by name or office the person who shall call the meeting to order; and the person so designated shall call the meeting to order and preside until a chairman shall be chosen. In case, however, the person so designated shall be absent at the time appointed, the meeting may choose a temporary chairman to act in place of such person. The organization of the meeting by the choice of a chairman, clerk and such other officers as the meeting may require, shall be the first business in order. [L. 1890-91, ch. 32, § 2; R. S. 1899, § 221.]

§ 2117. When ballot shall be taken. A ballot shall be taken for the choice of any candidate, delegate or member of a political committee to be selected by such meeting, in case five or more of the persons present and entitled to vote therein shall in any case so request in writing; and in case of such written request, a ballot shall be taken for the choice of the chairman of such meeting unless the meeting shall vote to dispense with such ballot. Such written request may be presented to the presiding officer for the time being, by motion or otherwise at any time, before a choice of the officers to which it relates is effected. [L. 1890-91, ch. 32, § 3; R. S. 1899, § 222.]

§ 2118. Challenges. Any person offering to vote at any such meeting may be challenged by any person present as to whether his political faith is in accordance with that of the party or voters holding such meeting, and as to whether he is a resident elector within the district or precinct holding such meeting. Upon such challenge the party challenged before he shall be permitted to vote shall be required to make a

sworn statement before the presiding officer of such meeting showing his place of residence and that the same is within the proper district or precinct, and also showing his political faith is in accordance with the party or voters holding such meeting, and in case he refuses to make such sworn statement his vote shall not be received. [L. 1890-91, ch. 32, § 5; R. S. 1899, § 223; L. 1907, ch. 100, § 1.]

§ 2119. Preservation of ballots. The clerk chosen at such meeting shall, at the request in writing of five voters entitled to act therein, safely keep all ballots cast, and check lists used therein for a period of three months, and shall produce the same if called for by any court of justice. [L. 1890-91, ch. 32, § 7; R. S. 1899, § 224.]

§ 2120. Regulations may be adopted by primary. Nothing herein shall prevent the enforcement at any primary of further regulations not inconsistent with the provisions of this chapter. [L. 1890-91, ch. 32, § 8; R. S. 1899, § 225.]

§ 2121. Nominations of candidates may be by convention or primary. Any convention or primary meeting as herein defined, held for the purpose of making nominations to public office and also electors to the number herein specified may nominate candidates for public office to be filled by election. [L. 1890, ch. 80, § 84; R. S. 1899, § 226.]

State v. Burdick, 6 Wyo. 462, 46 Pac. 854, 34 L. R. A. 845.

§ 2122. Certificate of nomination by convention or primary. All nominations made by such convention or primary meeting shall be certified as follows: The certificate of nomination shall be in writing, shall contain the name of each person nominated; his residence; his business, and the office for which he is nominated, and shall designate in not more than two words, of which the word "party" shall be one, the political party which such convention or primary meeting represents (as for instance: "Republican Party," "Democratic Party," "People's Party" or "Fusion Party"), a compound or hyphenated word shall not be used to indicate the name of a political party within the meaning of this section. The certificate shall be signed by the chairman and secretary of such convention or primary meeting, who shall add to their signatures their respective places of residence, and make oath before an officer qualified to administer the same that the affiants were such officers of such convention or primary meeting, and that the statements contained in such certificate are true to the best of their knowledge and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom such oath was made. The certificate, made out as herein required, shall be delivered, or be caused to be delivered, by the chairman or secretary of such convention or primary meeting to the officer by whom the same is to be filed. [L. 1890, ch. 80, § 86; L. 1897, ch. 53, § 12; R. S. 1899, § 227.]

State v. Barber, 4 Wyo. 56, 32 Pac. 14; State v. Burdick, 6 Wyo. 462, 46 Pac. 854, 34 L. R. A. 845.

§ 2123. How candidates may be nominated outside of convention. Candidates for public office may be nominated otherwise than by convention or primary meeting, in the following manner: A certificate of the nomination containing the name of each person nominated; his residence; his business; the office for which he is nominated and the name of the party or principle which the candidate and those nominating him represent, expressed in one word entirely different from the name of any political party making nominations voted for at the last preceding general election, shall be signed by the electors residing within the dis-

trict or political division in and for which the officer, or officers are to be elected, in the following numbers: The number of signatures shall not be less than one hundred when the nomination is for an office to be filled by the electors of the entire state, or any subdivision thereof larger than a county, and shall not be less than twenty-five when the election is for an office to be filled by the electors of a county, and shall not be less than ten when the election is for an office to be filled by the electors of any subdivision or district less than a county. The signatures need not all be appended to one paper, but each elector signing the certificate shall add to his signature his place of residence and his occupation. Such certificate may be filed in the same manner and with the same effect as a certificate of nomination made by a party convention or primary meeting. [L. 1890, ch. 80, § 88; L. 1897, ch. 53, § 13; R. S. 1899, § 228.]

State v. Burdick, 6 Wyo. 462, 46 Pac. 854, 34 L. R. A. 845.

§ 2124. Certificate to name but one candidate—Person can accept but one nomination. No certificate of nomination shall contain the name of more than one candidate for each office to be filled, and if it does it shall be void. No person shall join in nominating more than one person for the same office and if he does, his name shall not be counted upon either certificate. Whenever any person shall receive two or more nominations for the same office, he shall be deemed to have accepted the nomination first made and to have declined the others unless, within the time limited for filing certificates of nomination, he shall file in the office where such certificates of nomination are required to be filed, a written statement, signed and sworn to by him, designating which one of such nominations he desires to accept, and upon the filing thereof he shall be deemed to have declined the other nominations. [L. 1890, ch. 80, § 89; L. 1897, ch. 53, § 16; R. S. 1899, § 229.]

State v. Burdick, 6 Wyo. 462, 46 Pac. 854, 34 L. R. A. 845.

§ 2125. Certificate of nomination shall be verified by oath. One of the signers to each separate certificate of nomination shall swear that the statements therein contained are true to the best of his knowledge and belief, and a certificate shall be annexed to each oath. [L. 1890, ch. 80, § 90; R. S. 1899, § 230.]

State v. Chatterton, 11 Wyo. 13, 70 Pac. 466.

§ 2126. Certificate of nomination shall be preserved one year. The secretary of state and the clerks of the several counties, and of the several municipal corporations shall cause to be preserved in their respective offices for one year all certificates of nomination filed under the provisions of this chapter. All such certificates shall be open to public inspection under proper regulations to be made by the officers with whom the same are filed. [L. 1890, ch. 80, § 91; R. S. 1899, § 231.]

§ 2127. Places for filing certificates of nomination. Certificates of nomination of candidates for offices to be filled by the electors of the entire state or of any division or district greater than a county, shall be filed with the secretary of state. Certificates of nomination for county and precinct officers, including members of either branch of the legislature, shall be filed with the clerks of the respective counties, wherein the officers are to be elected. [L. 1890, ch. 80, § 87; R. S. 1899, § 232.]

§ 2128. Time for filing certificates of nomination. Certificates of nomination to be filed with the secretary of state shall be filed not more than ninety days and not less than forty days before the day fixed by

law for the election of the persons in nomination. Certificates of nomination to be filed with the county clerk shall be filed not more than sixty days and not less than twenty-five days before the election. Certificates for the nomination of candidates for municipal offices shall be filed with the clerk of the respective municipal corporations not more than thirty days and not less than three days previous to the day of election; Provided, That the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies caused by death, resignation or otherwise. [L. 1897, ch. 53, § 14; R. S. 1899, § 233.]

§ 2129. Declination of nomination. Whenever any person nominated for public office as in this chapter provided, shall at least twenty-five days before election, except in the case of municipal elections, in a writing signed by him and acknowledged before an officer qualified to take acknowledgments, notifying the officer with whom the certificate nominating him is by this chapter required to be filed that he declines such nomination, such nomination shall be void. In municipal elections such declinations must be made at least two days before the election. [L. 1890, ch. 80, § 95; R. S. 1899, § 234.]

State v. Burdick, 6 Wyo. 462, 46 Pac. 854, 34 L. R. A. 845.

§ 2130. Vacancies in lists of nominees. Should any person so nominated die before the printing of the tickets, or decline the nomination as in this chapter provided, or should any certificate of nomination be, or become insufficient, or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations. [L. 1890, ch. 80, § 96; R. S. 1899, § 235.]

State v. Burdick, 6 Wyo. 462, 46 Pac. 854, 34 L. R. A. 845.

§ 2131. Filling vacancies. A vacancy occurring in any nomination made by a party convention can be filled by a subsequent convention of that party or by a committee to which power has been delegated, but cannot be filled in any other manner. [L. 1897, ch. 53, § 15; R. S. 1899, § 236.]

§ 2132. Filling vacancies in lists of nominees. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may upon the occurring of any such vacancies proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed in the same manner, and shall have the same force and effect as an original certificate of nomination. [L. 1890, ch. 80, § 97; R. S. 1899, § 237.]

§ 2133. Secretary of state shall certify substitute nominees. When such certificate shall be filed with the secretary of state he shall, on certifying the nomination to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee. And in the event that he has already sent forth his certificate, he shall certify to the clerks of the proper counties the name of and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted. [L. 1890, ch. 80, § 98; R. S. 1899, § 238.]

§ 2134. Filling vacancies after ticket printed—Stickers. When any vacancy occurs before election day and after the printing of the tickets, and any person is nominated according to the provisions of this chapter to fill such vacancy, the officer whose duty it is to have the tickets printed and distributed shall thereupon have printed a requisite number of stickers, and shall mail them by registered letter to the judges of election in the various precincts interested in such election, and the judges of election whose duty it is to distribute the tickets shall affix such stickers in the proper place on each ticket before it is given out to the elector. [L. 1890, ch. 80, § 99; R. S. 1899, § 239.]

§ 2135. A "sticker" defined. A sticker shall be a strip or piece of paper bearing upon one side the printed or written name or names of a candidate or candidates for office, and bearing upon the other side an adhesive substance. [L. 1890, ch. 80, § 100; R. S. 1899, § 240.]

§ 2136. Notice of questions to be submitted to vote. Whenever a proposed constitution or constitutional amendment, or other question is to be submitted to the people of Wyoming for popular vote, the secretary of state shall not less than thirty days before election certify the same to the clerk of each county, and the clerk of each county shall include the same in the publication herein provided. Questions to be submitted to the people of a county or municipality, shall be advertised as provided for nominees for office. [L. 1890, ch. 80, § 101; R. S. 1899, § 241.]

§ 2137. Secretary of state shall certify nominations. Not less than twenty-five nor more than thirty days before an election to fill any public office, the secretary of state shall certify to the county clerk of each county within which any of the electors may by law vote for candidates for such office, the name and description of each person nominated for such office as specified in the certificate of nomination with the said secretary. [L. 1890, ch. 80, § 93; R. S. 1899, § 242.]

State v. Burdick, 6 Wyo. 462, 46 Pac. 854, 34 L. R. A. 845.

§ 2138. Posting list of nominees. At least ten days before the election to fill any public office, other than a municipal office, the county clerk of each county shall cause to be published in one or more newspapers within the county, if there be any, the nominations to office certified to him under the provisions of this chapter. The county clerk shall make such publications daily until the election, in the counties where daily papers are published, but if there be no daily papers published within the county, two publications in each newspaper, if there be any, will be sufficient. One of such publications in each newspaper shall be upon the last day upon which such newspaper is issued before the election. In case of municipal elections such publications shall be made in one or more newspapers, if there be any, devoted to the dissemination of general news and published within the municipal corporation in which the election is to be held at least three days before the election, the publication to be daily until election, where there are daily newspapers; but if there be no daily newspaper published within the municipal corporation, one publication in each newspaper, if there be any, shall be sufficient. If no newspapers are published in the county or municipal corporation, the clerk of either such county or municipal corporation shall post the said notices at not less than five conspicuous places within the county, or municipal corporation, as the case may be, at least ten days before the election, if possible; Provided, That in special elections to fill vacancies the foregoing provisions of this section shall not apply. [L. 1890-91, ch. 100, § 18; R. S. 1899, § 243.]

DIRECT PRIMARY.

(Chapter 23, Session Laws, 1911, Sections 6, 7, 19, 23, 30, 47, as amended, Chapter 128, Session Laws, 1913.)

Section 1. Candidates nominated by. From and after the passage of this act, the candidates of political parties for all offices which under the law are filled by the direct vote of the people of this state at the general election in November; candidates for the office of senator in the congress of the United States shall be nominated and party committeemen shall be elected at primary elections at the times and in the manner hereinafter provided. No names of candidates of any political party which is required or permitted under this act to make nominations shall be placed upon the official election ballot unless such candidates shall have been chosen and nominated in accordance with this act.

Sec. 2. When held. The primary election herein provided for shall consist of an election by all political parties, at the same time and place in the various voting precincts designated as provided by the general election laws of this state, on the first Tuesday after the third Monday in August in every year in which occurs a general election, for the nomination of candidates for such offices as are to be filled at the general election in November next ensuing, and for the election of party committeemen. In the primary elections held in the year next preceding the filling of the office of senator in the congress of the United States by the legislature of this state, there shall also be nominated the candidates of all political parties for said office of senator in the congress of the United States in the same manner as is herein provided for the nomination for officers voted for in the state at large.

Sec. 3. Nominations papers—How signed. Except as herein otherwise provided, the name of no candidate for office, and the name of no candidate for party committeeman, shall be printed upon an official ballot used at any primary election, unless a nomination paper shall have been filed in his behalf in substantially the following form:

"We, ..., the undersigned qualified electors of (Precinct....., Ward.....) in the County of.....and State of Wyoming, and members of the.....party, hereby nominate....., who resides at (No...., on.....street, town or city of.....(or) in the precinct of.....) in the county of.....aforesaid, as a candidate for the office (or position) of.....(here specify office or position), to be voted for at the primary next hereafter to be held, as representing the principles of said party, and each for himself further declares that he is a member of said party, and he intends to support the candidate named herein.

Name of Signers.	Residence, Precinct, Ward.	Date of Signing.

Sec. 4. Same subject. All nomination papers shall have substantially the form above mentioned written or printed at the top thereof. No signature shall be counted unless it be upon sheets having such form written or printed at the top thereof. The names of the signers to any such nomination papers shall be signed in ink, each signer for himself.

Sec. 5. Signers—Qualifications—Time of circulation. Each signer of a nomination paper may sign as many such papers as there are candidates to be nominated for the office or position, but no more and shall declare that he intends to support the candidate named therein; he shall add his residence, and the street and number if any, and the date of sign-

ing, and if in cities, his ward and precinct. The names of signers of nomination papers who have signed more papers for the same office or position than herein authorized shall be counted only upon the paper or papers first signed. Signers of nomination papers shall be qualified electors of the territory within which the person mentioned therein as candidate is to become such. No nomination paper shall be circulated prior to sixty days before the date on which such paper must be filed according to law, and no signature shall be counted unless it has been affixed to such nomination paper and bears date within sixty days prior to the time for filing such nomination paper.

Sec. 6. Affidavit attached. The affidavit of a qualified elector shall be appended to each such nomination paper, except for the nomination of party committeeman, stating that he believes the persons who have signed the same to be electors of the political subdivision described in such nomination papers, and that they signed the same with full knowledge of the contents thereof; and that he believes that each signer signed the same on the date stated opposite his name, and that the affiant intends to support the candidate named therein. Such affidavit shall be prima facie evidence of the facts therein stated in any civil proceed[ing] or hearing herein contemplated. Each candidate for an office shall file with his nomination papers a declaration that he will qualify as such officer if nominated and elected.

Any elector seeking nomination as a candidate at any primary election for the office of state senator or member of the house of representatives of this state, may sign and file with the declaration of his candidacy or nomination paper one of the following two statements, but if he does not do so, his nomination papers or declaration shall not on that account be refused to be filed:

Statement No. 1.

I hereby state to the people of Wyoming, as well as to the people of my legislative district, that during my term of office I will always vote for that candidate for United States senator in congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a senator in congress, without regard to my individual preference.

.....

Signature of Candidate for Nomination.

If the candidate shall be unwilling to sign the above statement, then he may sign the following statement with such nomination paper or declaration of candidacy:

Statement No. 2.

During my term of office I shall consider the vote of the people for United States senator in congress as nothing more than a recommendation, which I shall be at liberty to wholly disregard, if the reason for so doing seems to me to be sufficient.

.....

Signature of Candidate for Nomination.

That part of the official primary election ballot which contains the names of candidates for legislative nominations shall have printed thereon opposite or just below the candidates' names the following: In case the candidate has signed and filed Statement No. 1, mentioned hereinabove, the words: "Promise to vote for people's choice of United States senator." And in case he has filed Statement No. 2, mentioned hereinabove, the

words: "Does not promise to vote for people's choice of United States senator." [Chapter 128, Session Laws, 1913.]

Sec. 7. Number of signers. Such nomination papers shall be signed as follows: (1) If for a state office, for the office of judge of the supreme court, for the office of senator and representative in the congress of the United States, by at least three per centum of the voters in the state of the party of such candidates; (2) If for the office of judge of the district court, or an office or position to be filled by the electors of a subdivision of the state larger than a county, by at least four per centum of the party vote of the party of such candidate; (3) If for an office or position to be filled by the electors of a county or any subdivision thereof, a city, ward, or precinct, by at least five [per] centum of the party vote of the party of such candidate in each county or subdivision wherein such office or position is to be filled. In each of the above cases the vote to be taken for the purpose of computing the percentage shall be the vote cast for a representative in congress within the state, or such subdivision thereof, at the last preceding general election. All nomination papers shall be destroyed at the same time and in the same manner in which primary election ballots are destroyed. [Chapter 128, Session Laws, 1913.]

Sec. 8. Nomination papers—Where and when filed. All nomination papers herein required shall be filed as follows:

(1) For state officers, judges of the supreme and district courts, senators in the congress of the United States, and representatives in congress, in the office of the secretary of state, at least thirty days before the date of the primary election next ensuing; Provided, however, That if any vacancy occurs in the office of senator in the congress of the United States within sixty days before such primary election, no nominations shall be made for such office to fill the vacancy, or otherwise, at such primary election. (2) For offices to be voted for wholly within one county, and for officers not herein otherwise provided for, in the office of the county clerk of the proper county at least twenty days before the date of the primary election next ensuing. (3) For city or town officers. When the election of such city or town officers is at a different time and place from the election of county officers, in the office of the city or town clerk, at least ten days before the primary election next ensuing.

Sec. 9. Public record—Time to commence proceedings. Nomination papers when filed shall be preserved and be open to public inspection. Such papers, if in apparent conformity with the provisions of this act, shall be deemed to be valid, unless proceedings are commenced before the proper court or judge, as hereinafter provided within five days after the same are herein required to be filed.

Sec. 10. Blank nomination papers. The secretary of state shall cause to be printed and keep on hand a sufficient quantity of nomination papers in blank form as provided for in this act, and shall furnish the same on application to any qualified elector in the state desiring to petition for the nomination of any candidate, or to the person who intends to be a candidate, for any office whose nomination paper is required to be filed in his office. And the county clerk of each county shall likewise cause to be printed and keep on hand a sufficient quantity of such nomination paper blanks and furnish the same on application to any qualified elector in his county desiring to petition for the nomination of any candidate, or to a person who intends to be a candidate, for any office whose nomination paper is required to be filed in his office.

Sec. 11. Names certified to counties. At least twenty-five days before any such primary election, the secretary of state shall transmit to each county clerk a certified list containing the name and postoffice address of each person for whom a nomination paper has been filed in his office, in accordance with the provisions herein and entitled to be voted for at such primary election by the voters of such county, together with a designation of the office for which he is a candidate, and the party from which he seeks a nomination.

Sec. 12. Arrangement of ballots. The primary election ballots for the several political parties shall be by separate ballots. All the official ballots designed to be voted at primary nominating elections shall be printed—for the Republican party in black ink, upon a good quality of white paper; for the Democratic party in black ink, upon a good quality of blue paper; and for any third party in black ink, upon a good quality of green paper, and for any other parties more than three there shall be used a good quality of paper of different colors than those specified above and printed in black ink. The names of the candidates of each political party shall be printed in black ink, on separate sheets of paper, uniform in quality, texture and size. The words "OFFICIAL PRIMARY ELECTION BALLOT," followed by the name of the political party shall be printed at the head of said ballots, succeeded by the following printed instruction, to-wit: "To vote for a person whose name is printed on the ballot, mark a cross (X) in the square immediately to the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write or paste his name in the blank space provided for that purpose." The names of all aspirants for nomination of each political party, for the different offices, shall be arranged in separate groups, in the following order, commencing at the top of the column on the left, to-wit: Senator in the congress of the United States, governor, followed by the other state officers, representatives in Congress, supreme court judges, district court judges, officers to be elected in the county, officers for the sub-divisions in the county, party committeemen, leaving out those, in any year, the officers for which are not to be elected at the next ensuing election. Each ballot shall contain two columns, separated from each other by a heavy black line one-twelfth of one inch in width, and each column is to have as nearly as possible the same number of candidates thereon. No squares shall appear at the head of the ballot. At the left of each group, or at the top thereof, shall appear the title of the office, and a square after each name, and each blank line. There shall be left below the list of printed candidates in each group, blank lines and spaces equivalent in number to the number of persons to be voted for in such group, in which the elector may write or paste the name or names of any person not printed on said ballot for whom he desires to vote.

Sec. 13. Arrangement of names. The names of the candidates for nomination to each office or position shall be arranged under the designation of the office or position in alphabetical order, according to surnames.

Sec. 14. Form of ballot. The ballot herein provided for shall be substantially in the following form, to-wit: (When offices other than those given in the form below are to be filled at the election, the officer preparing the ballot shall use substantially the said form, putting the proper designation of the office in the space as indicated in said form, and the names of the candidates therefor under the same.)

OFFICIAL PRIMARY ELECTION BALLOT

of the

.....Party

Precinct.....election district.....County of.....
State of Wyoming.
Primary election held on the.....day of....., 191....

(Here print the instruction as mentioned.)

.....

United States Senator	Vote for one	County Clerk	Vote for one
John Doe		John Doe	
John Doe		John Doe	

Governor	Vote for one	Clerk District Court	Vote for one
John Doe		John Doe	
John Doe		John Doe	

State Auditor	Vote for one	Sheriff	Vote for one
John Doe		John Doe	
John Doe		John Doe	

Secretary of State	Vote for one	Representative in Legislature	Vote for
John Doe		John Doe	
		John Doe	
		John Doe	

Representative in Congress	Vote for one

All other offices which are to be filled at the general election next ensuing shall be shown on the ballot substantially in the above form, the principle there indicated to be substantially followed in all cases.

Sec. 15. Sample ballots. The officer whose duty it is to cause the printing of the primary ballots shall transmit or cause to be delivered to the primary election judges sample ballots of each political party, substantially in the form of the official primary election ballot, which sample ballots shall be printed upon paper of a different texture and color from the official primary election ballots, and it shall be the duty of the primary election judges to post not less than five of such sample ballots in and about the polling places upon the day of the primary election and before the opening of the polls.

Sec. 16. Supplies—Poll books. All necessary election supplies, including poll books as provided by law, for the general election, together with a sufficient number of primary election ballots of each party, shall be furnished for the primary election board for each precinct by the county clerk, and such poll books shall contain blank spaces for the names of candidates of the several parties for the different offices to be written in, and blank spaces for entering by the clerks the names of the electors voting at said primary election and upon the pages provided for entering the names of said voters there shall be ruled spaces for the listing of the names of said voters and for the designation of the party ticket voted by said elector in manner and form substantially as follows:

No.	Name	Republican	Democrat
1.	James Smith	X	
2.	Tom Jones		X
3.	Dan Brown	X	
4.	George White		X

.....

It shall be the duty of the clerks of the primary election when entering the name of a voter to place in the poll books a cross thus (X) in the column designating the party ticket which was given to said voter upon his application for a ticket.

Sec. 17. General law applicable. Except as herein otherwise provided, all primary elections shall be conducted as required for general elections under the general election laws of the state of Wyoming, as far as the provisions thereof may be applicable, and the election officers for such primary election shall have the same powers and perform the same duties as those for general elections, as nearly as may be applicable.

Sec. 18. Voting places—Judges of election—Expenses. The voting places in the various precincts of each county shall be designated, and the judges and clerks of all primary elections shall be made up and elected and appointed by the board of county commissioners of each county, at the regular meeting of such board at least thirty days prior to each primary election. The expenses of the primary election shall be audited by the board of county commissioners of each county, and be paid the same as the expenses of the general election. The compensation of the primary election officers shall be the same as the election officers of a general election.

Sec. 19. Manner of voting. The voter shall in all cases mark the ballot in the square to the right of the name of each person for whom he desires to vote, except that where he writes in or pastes in a name, the

square is not necessary to be marked; but the name of no person so written or pasted upon said ballot, whose name appears upon the ballot of another political party, at said primary election, shall be counted. He shall be allowed to vote for candidates for nomination on the ticket of only one party, and that shall be the party with which he is registered as affiliated. The endorsement of the judges of election and the county clerk shall appear upon the ballots as provided by law for general elections. The voter shall return the ballot folded to one of the judges of election, who shall deposit it in the ballot box. [Chapter 128, Session Laws, 1913.]

Sec. 20. Time of holding polls open. In voting precincts where registration is required by law, the polls shall be open from nine o'clock a. m. to nine o'clock p. m. and in all other precincts from nine o'clock a. m. to five o'clock p. m.

Sec. 21. Employees. Any person entitled to vote at such primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of one hour, other than meal hours, between the time of opening and closing the polls; and such primary elector shall not, because of so absenting himself be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

Sec. 22. Who not entitled to vote. No person shall be entitled to vote at a primary election: (1) Unless he declares his party affiliation as required by this act. (2) Who shall have signed the petition for nomination of a candidate of any party with which he does not affiliate, when such candidate is to be voted for at the primary election. (3) Who shall have signed the nominating papers of an independent candidate for any office for which office candidates for nomination are to be voted for at such primary. (4) If he shall have voted at a primary election held under this act of another political party within a period of two years next preceding such primary election, except under the conditions of this act.

Sec. 23. Who entitled to vote. At the primary election first held under the provisions of this act, any person, except as otherwise herein provided, shall be entitled to participate therein who is a qualified elector in the precinct in which he offers to vote, and each voter seeking to vote shall indicate the party ballot he desires, and one of the judges of the primary election board shall give him such primary ballot (unless challenged, and if so challenged, then only when the challenge is determined in favor of the voter) and such person shall thereupon be allowed to vote. The voter's election shall constitute his declaration of party affiliation, and it shall be the duty of the primary election board to record his name and check his declaration of party affiliation on the poll books used by the clerks of the primary election board, and said list properly certified shall be returned to the county clerk of the proper county for preservation. Copies of the names and party entries on such lists, together with the changes of party affiliation as hereinafter provided, arranged alphabetically by surnames, shall be used at subsequent primaries for determining with what party the voter has enrolled, and no voter enrolled under the provisions of this act shall be allowed to receive the ballot of any political party except that with which he is enrolled, and he may change his enrollment as hereinafter provided. The county clerk shall prepare for each voting precinct two of the above mentioned lists duly certified by him, and taken from the poll books of the last preceding primary election, which he shall deliver to the next succeeding primary election board, at least one day prior to the day of the primary election, and which lists, together with

the poll books of the primary election, shall be returned to said county clerk in good condition within five days after the primary election, to be preserved by him. In no case shall the fact that any elector has participated in, or voted at, any primary election excuse such elector from complying with the law in regard to registration in order to entitle such elector to vote at the next succeeding general election; but, in order to be entitled to vote at the next general election, such elector shall be required to register in the same manner as though he had not voted at the primary election.

Every person applying to vote at any primary election in this state whose name does not appear as voting at the last preceding general election, shall, before voting, take and subscribe before one of the judges of such primary election an oath, in substance as follows:

THE STATE OF WYOMING,)
County of..... } ss.

I do solemnly swear (or affirm) that I am a citizen of the United States; that I will be 21 years of age on or before the general or special election day next ensuing; that I will have actually, and not constructively, been a bona fide resident of said state one year, and of said county sixty days next preceding the day of the next general or special election; that I am an actual resident of polling precinct Number.....in election district Number....., and reside at house Number....., ... Street, in the town (or city) of.....and my postoffice address is .....and that I can read the constitution of the state of Wyoming in the English language, or that I am now and was a resident and qualified elector of this state on July 10, 1890, or that I am physically disabled from being able to read the constitution; that my weight is....., height is....., color of eyes is....., sex is....., place of birth is .....SO HELP ME GOD.

.....

Subscribed in my presence and sworn to before me this..... day of....., A. D. .....

.....

.....

[Chapter 128, Session Laws, 1913.]

Sec. 24. Change of affiliation—First voter—Removal. Any voter who has thus declared his party affiliations shall thereafter be listed on the poll books as a member of that political party, and such person, while a resident of the same voting precinct need not declare his party affiliation at succeeding primary elections unless he desires to change his party affiliation, any elector who, having declared his party affiliation desires to change the same may, not less than ten days prior to the date of any primary election, file a written declaration with the county clerk stating his change of party affiliation, and the said clerk shall enter a record of such change on the poll books of the last preceding primary election in the proper column opposite the voter's name and on the voting list. Any elector whose party affiliation has for any reason not been registered, or any elector who has changed his residence to another precinct, or a first voter or citizen of this state casting his first vote in this state shall be entitled to vote at any subsequent primary election in the same manner and upon the same terms as provided in the preceding section of this act, and the clerks of the primary election shall record his party affiliation, and the county clerk shall add his name to the alphabetical lists for use in subsequent primary elections as provided in the preceding section of this act.

From such lists may from time to time be dropped the names of such persons who have died or removed from the precincts on the list of which such names appear.

Sec. 25. Challenges—Affidavits. Each political party shall be entitled to have two party challengers present at each polling place. Any judge or clerk of the primary election, or any party challenger, or any qualified elector, may challenge any person offering to vote, on the ground, that such person is not a qualified elector of such precinct, or is not entitled to vote the party ticket for which he has asked or intends to vote, or that he is disqualified for any of the reasons mentioned in this act. Upon such challenge, the party challenged, before he shall be permitted to vote, shall be required to make and subscribe substantially the following oath, before one of the judges of election, to-wit:

"State of Wyoming, County of....., ss.

"I, ..., do solemnly swear (or affirm) that I am a citizen of the United States; that I will be on the date of the next ensuing election in November under the laws of this state, qualified to vote in this precinct; that I now reside in.....precinct,.....district No..... in.....County, Wyoming, and that I am a member of and affiliated with the.....party; that I have not voted a primary of another political party within a period of two years prior to this date; that I have not signed the petition for nomination of a candidate of a political party with which I am not affiliated; that I have not signed the nominating papers of an independent candidate for any office for which office candidates for nomination are voted for at this primary, and that I intend to support, generally, the candidate of the party whose ticket I now seek to vote." If such person subscribes and takes the foregoing oath he shall be given a ticket of such political party, unless further challenged as further provided in this section. Any elector whose party affiliation has been recorded in any precinct as provided in this act and who desires to change his party affiliations on the primary election day, shall be subject to challenge. If the person challenged insists that he is entitled to vote the ticket of the political party the ticket of which he then asks and the challenge is not withdrawn, one of the judges shall tender him the following oath: "You do solemnly swear (or affirm) that you have in good faith changed your party affiliations to and desire to be a member of the.....party," and if he takes such oath he shall thereupon, if otherwise qualified, be given a ticket of such political party, and the clerks of the primary election shall make or change his enrollment of party affiliations accordingly.

Sec. 26. Ballots counted—Returns. Upon the closing of the polls the clerks and judges of the primary election shall immediately open the ballot box and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast for each party, at the same time bunching the tickets cast for each party in separate piles. As soon as the clerks and judges shall have sorted the ballots of each party, separately, they shall take the tally sheets provided in the poll books and shall count all the ballots for each party separately until the count is completed, and shall certify to the number of votes cast for each candidate for each office upon the ticket of each party. After all have been counted and certified to by the clerks and judges, they shall seal the ballots cast by each of the parties in separate envelopes, on the outside of which shall be printed or written the names of that party's candidates for the different offices, and opposite each candidate's name shall be placed the number of votes cast for such

candidate in said precinct, and then seal the envelopes containing the votes of the different political parties in one large envelope, on the outside of which or on a paper attached thereto, shall be printed or written the names of the several political parties with the names of the candidates for the different offices under their respective party headings, and opposite each candidate's name shall be placed the number of votes cast for such candidate in said precinct. The printed ballots used at such primary elections may be used for such purpose, marked so as to indicate that fact. Such envelopes shall be returned to the county clerk. Any elector of the county shall have the right before the date of canvassing the returns, to ascertain the vote cast for any candidate in any precinct in the county as shown on the outside of the envelope. Said judges of election in the manner provided by the general election laws shall deliver said returns, tally sheets, poll books and certificates to said county clerk within five days after the primary election has closed; and if the same are not so delivered, the county clerk shall immediately send a messenger for any missing returns, and said messenger shall be paid, as provided by law for the general election. The judges of election shall retain a copy of the tally sheets showing the election returns thereon.

Sec. 27. Recount of ballots. Any candidate whose name appears upon the official primary ballot of any voting precinct may require the county board of canvassers of the county in which such precinct is situated to recount the ballots cast in any such precinct as to the office for which he was a candidate, at the time fixed for the canvassing of the returns of the judges of election, by filing with the county clerk, not later than the day before such meeting, an affidavit in writing showing that fraud was committed, or error or mistake made, in counting or returning the votes cast in any such precinct as to the office for which he was a candidate. If such affidavit is made, said board shall thereupon recount the ballots cast in any such precinct for the office for which the contestant was a candidate, and if the result reached by the board on the recount of the ballots as to such office be different from that returned by the judges of election, it shall be substituted therefor as the true and correct return and so regarded in all subsequent proceedings. The action of the board, upon taking such recount, shall be final, and no other contest shall be permitted. The term candidate as used in this section shall include party committeemen.

Sec. 28. Canvass of returns in county. The county board of canvassers shall consist of the county clerk and two justices of the peace of the county, called in by said clerk, which justices of the peace shall be of different political parties, if practicable. Said board shall meet on the Tuesday next after each primary election, and proceed to open the returns and make abstracts of the votes, stating the number of ballots cast in the county by each political party, separately, for each office, the name of each person voted for, and the number of votes given to each person for each different office, and shall certify the same and file the same in the office of the county clerk. The candidates of each political party for each office or position to be filled by the voters of the county or any subdivision therein, having received the highest number of votes, shall be the duly and legally nominated candidates of his party for such office; or if more than one person is to be nominated for any office, then the persons equal in number to the number of offices to be filled receiving the highest number of votes shall be the nominees of such political party for such office, and each candidate so nominated shall be entitled to have his name printed on the

official ballot to be voted for at the general election without other certificates.

Sec. 29. Abstract to secretary of state. The county board of canvassers shall also make a separate abstract of the canvass as to the following offices and certify the same and forthwith forward it to the secretary of state, to-wit: Senator in the congress of the United States, representative in congress, all state officers, and judges of the supreme and district courts.

Sec. 30. Canvass by state board. On the second Monday after the said primary election, the secretary, auditor and treasurer of the state shall meet as a canvassing board, and open and canvass the abstract returns received from each county in the state. If returns are not received from all the counties, the secretary of state shall immediately send a messenger after the abstract returns and the board may adjourn from day to day until they are received. The board shall make an abstract of its canvass, stating in words written, at length, the number of ballots cast by such political party, separately, for each office designated in the preceding section, the names of all persons voted for, and the number of votes received by each person for such office, and shall sign and certify thereto. The candidate of each political party for each office to be filled by vote of the people, having received the highest number of votes in the state or district of the state, as the case may be, of all the votes cast by the party for such office, shall be duly and legally nominated as the candidate of his party for such office and entitled to have his name printed on the official ballot to be voted at the general election without other certificate.

The candidate of any party for the office of senator in the congress of the United States having at any primary election received the highest number of votes of his party in the state, shall be the nominee of his party for such office and shall be entitled to have his name printed on the official ballots to be voted at the next ensuing general election without other certificate. [Chapter 128, Session Laws, 1913.]

Sec. 31. Certificate to counties. When the canvass is concluded, the board shall deliver the original abstract returns to the secretary of state, who shall file the same in his office, and record the abstract of the canvass of the state board and certificates thereto attached in a book kept by him known as the election book; and not less than twenty days before the general election he shall certify to the clerk of each county, under separate cover party headings, the name of each person nominated as shown by the official canvass made by the state canvassing board, or as certified to him by the proper persons when any person has been nominated by a convention or party committee, his place of residence, the office for which he was nominated, and the order in which the tickets of the several political parties shall appear on the official ballot. Should a vacancy in the nomination occur and be filled after such certificate has been forwarded, a like certificate shall at once be made and sent to the proper officer together with a statement showing the reason for its subsequent issue.

Sec. 32. Tie vote. In case of a tie vote resulting in no nomination for any office, the tie shall forthwith be determined by lot by the judges of election, or board of canvassers, as the case may be.

Sec. 33. More nominations than one. If nominating papers of the same person for the primary election have been filed for more than one ticket, or in case a person is nominated upon more than one ticket, he shall forthwith file with the proper officer a written declaration indicating the

party designation under which his name is to be printed on the official ballot.

Sec. 34. Errors remedied by judge. Whenever it shall appear by affidavit or otherwise to any judge of the district court of the county, that any error or omission has occurred, or is about to occur in the printing of the name of any candidate on official ballots, or that any error has been or is about to be committeed in printing the ballots, or that the name of any person has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed or is about to be performed by any judge or clerk of the primary election, the county clerk, canvassing board or any member thereof, or by any person charged with any duty under this act, or that any neglect of duty by any of the persons aforesaid, has occurred or is about to occur, such judge shall, by order, require the officer or person or persons charged with the error, wrongful act, or neglect, to forthwith correct the error, desist from the wrongful act, or perform the duty, and to do as the court or judge shall order, or to show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order not performed. Failing to obey the order of such court or judge shall be contempt.

Sec. 35. Vacancies. Should any vacancy occur or exist in any of the offices or positions for which nominations are made under this act, by reason of resignation, death or other cause, where there is only one or no aspirant for such office or position, before the printing of the primary election ballots, such vacancy may be filled by the regularly constituted committee of the party to which such vacancy belongs, and no petition shall be required; Provided, That this section shall not apply to the office of senator in the congress of the United States.

Sec. 36. Party committees. (1) County Committee—At the primary election held in the year 1912 and biennially thereafter, there shall be elected a committeeman for each election precinct, who shall be a resident of such precinct, provided each ward in a city shall be entitled to at least two such committeemen. The person (or persons if more than one is to be elected) receiving the highest number of votes, shall be such committeeman of such party for such precinct. In case of a tie the primary election judges shall cast lots. The official returns of the primary election judges shall show the name and address of the committeeman of each political party. The county central committee of each political party shall consist of the members of the various precinct committeemen of such party in such county. Those committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee of each of said respectve political parties, and shall have the same powers and jurisdiction as to the business of their several parties in such city matters that the county committee has in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. In case of a vacancy happening on account of death, resignation, removal from precinct or otherwise, the remaining members of said county central committee may elect a committeeman to fill the vacancy, and he shall be a resident of the precinct in which the vacancy occurred. Such committee shall also have the power to fill any vacancy occurring in the position of state committeeman from such county. The said county committee shall at its first meeting, if possible, elect a member of the state committee.

(2) State Committee—The state committee shall be composed of one member from each county, elected as aforesaid.

(3) Judicial Committee—The members of the state committee residing within the limits of a judicial district shall be and constitute, ex-officio the judicial committee of such judicial district.

Sec. 37. Powers and duties of committees. The said committees shall meet and organize by electing a chairman and secretary within five days, if possible, after the candidates of their respective political parties shall have been declared nominated by the proper canvassing board. The outgoing chairman of the respective committees shall fix the time and place for such meeting, and deposit notice thereof in the office of the county clerk of the proper counties or county not later than the day following such primary election. Each committeeman shall hold his position for the term of two years from the date of the first meeting of his committee, immediately succeeding their election, except committeemen filling vacancies, who shall only hold for the unexpired term. Said state, judicial and county and city central committees respectively, shall have the power to make nominations to fill vacancies occurring among the candidates of their respective parties nominated within the territory over which they, respectively, have jurisdiction, by the primary nominating elections; but the foregoing provisions shall not apply to the office of senator in the congress of the United States. In filling vacancies aforesaid, certificates shall be filed, stating the name, place of residence and postoffice address of the person nominated, the office for which he is nominated, and the name of the political party making the nomination, and shall be sworn to by the chairman and secretary of the committee, or persons acting in their stead, showing that such nominee is the choice of the committee. Each committee may elect managing or executive committees and authorize such subcommittee to exercise any and all powers conferred upon whole committees by law, and exercise such further powers, and make such rules, not inconsistent with this act, as are usually exercised and made by such committees.

Sec. 38. Present committees. The various political committees now in existence are hereby recognized, and they and their officers, shall exercise the powers and perform the duties herein prescribed until committeemen are chosen in accordance with the provisions of this act.

Sec. 39. County convention. On the first Tuesday in May of each year in which electors of president and vice president are to be elected, the county central committee of each political party shall meet at the county seat of the proper county. Such meeting shall be known as the county convention. Said county convention shall choose delegates to the state convention of its party to be held as hereinafter provided, in number as apportioned by the state committee.

Sec. 40. State convention. On the second Monday in May of each year in which electors for president and vice president are to be elected, there shall be held a state convention of each political party, the members of which shall be composed of the delegates chosen as prescribed in the preceding section, or their proxies. Said state convention shall have power to make nominations of candidates for the electors of president and vice president of the United States, to adopt any party platform, and to choose and select in accordance with the rules and regulations of its party, delegates and alternate delegates to national nominating conventions, and perform such other functions inherent in such political organizations, not inconsistent with this act. The nominations for such electors so made shall be certified to the secretary of state by the officers of such convention.

Sec. 41. Call for state convention. At least twenty days before the holding of such state convention the state committee respectively of each political party shall file in the office of the county clerk of each county, a call for such state convention, the total number of delegates which shall compose said convention, and the number of delegates to which each county is entitled in the state convention, and the ratio of apportionment made, which shall be as nearly just as possible.

Sec. 42. Same subject. Delegates to state conventions of political parties shall be chosen, state conventions of political parties shall be held, and nominations by political parties for electors of president and vice president of the United States, shall be made as provided in this act and not otherwise.

Sec. 43. Election laws. The secretary of state shall provide copies of this law, in conjunction with the general election laws of this state, and transmit the same to the county clerk of each county, at least twenty days before any such direct primary election herein provided, and the same shall be in lieu of any such copies of said general election laws required to be transmitted to county clerks by the secretary of state for use in such counties.

Sec. 44. Meaning of political party. The title or term "political party" shall mean a party which at the last preceding general election cast for its candidate for representative in congress at least ten per cent of the total vote cast at said election.

Sec. 45. Nomination by other parties. Any political organization which at the general election last preceding any primary election cast less than ten per cent of the total votes cast, for representative in congress, may nominate candidates in the manner provided by existing laws for conventions. Provided, however, that all such conventions must be held upon the same days as the primary elections herein provided for.

Sec. 46. Nominations by petition. Nothing contained in this act shall be construed so as to prohibit nominations of candidates for office by petitions as now authorized by law, but no person so nominated shall be permitted to use the name of any political party, authorized or entitled under this act to nominate a ticket by primary vote, or that has nominated a ticket by primary vote under the provisions of this act.

Sec. 47. Applicable to certain cities. The provisions of this act shall, as far as applicable, govern the nominations of candidates by political parties for all offices to be filled by direct vote of the people in towns and cities having a population of six thousand inhabitants or more, but none other. The duties devolving upon the county clerk by the foregoing provisions of this act, shall in municipal elections devolve upon the city clerk, and the duties devolving upon the board of county commissioners and county board of canvassers by the foregoing provisions of this act, shall devolve upon the city council, but when city officers are elected at the same time as county officers, then the provisions of this act shall apply as therein mentioned. In all towns and cities to which this act is applicable in which, under the law, the election is held at times other than the first Tuesday after the first Monday in November, then the primary election shall be held three weeks prior to the town or city election. The expenses of town or city primaries shall be paid by the town or city. Provided, however, that this act shall not

apply to towns or cities which may hereafter adopt a plan of government, commonly called the commission form of government. [Chapter 128, Session Laws, 1913.]

Sec. 48. Special elections. This act shall not apply to special elections to fill vacancies except that the party committees herein provided for shall be and constitute the party committees at all times hereafter.

Sec. 49. Definition of terms. The term "primary election" as used in this act, shall be construed to apply to an election by the members of the various political parties for the purpose of placing in nomination candidates for public office, and for the selection of party committeemen. The term "primary" shall mean primary election; the term "election," unless the context indicates otherwise, shall mean a general election at which officers are elected; the term "city" shall include town, and vice versa; whenever the masculine pronoun is used in this act, it shall be construed to include the feminine; the term "committeeman" shall be included in the term "position." It shall only be necessary for a voter to state that he is twenty-one years of age to any question in relation to age.

Sec. 50. Liberal construction. This act shall be construed liberally, so as to insure full opportunity to become candidates and for voters to express their choice.

Sec. 51. Misconduct. Any party committeeman or any primary elector or other public officer, or any other person, upon whom a duty is imposed by this act, who shall wilfully neglect to perform any such duty, or who shall wilfully perform it in any such way as to hinder the object thereof, or shall disclose to any one, except as may be ordered by any court or judge, the contents of any ballot or any part thereof, or whoever shall commit any act prohibited herein, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment.

Sec. 52. Bribery—Illegal voting. Any person offering or giving a bribe, either in money or other consideration, to any elector for the purpose influencing his vote at a primary election, or any elector entitled to vote at such primary election receiving and accepting such bribe; any person making any false answer to any of the provisions of this act relative to his qualifications and party affiliations, or make or subscribe any false affidavit in reference thereto; any person wilfully voting or offering to vote at a primary election, who is not a qualified elector of the precinct where he offers to vote or votes, any person violating any of the provisions of this act, or any of the provisions of the law as may be hereto applied, and any person knowing, procuring, aiding or abetting such violation, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned in the county jail not to exceed one year.

Sec. 53. This act shall take effect and be in force from and after its passage.

CHAPTER 146.

ELECTION DISTRICTS AND POLLING PRECINCTS.

§ 2139. Establishment of election districts. The board of county commissioners of each county shall at each general July meeting to be held every general election year, divide the counties into convenient elec-

tion districts, which shall be known and numbered by the numbers designated. There shall not be less than five nor more than thirty election districts in any county. In laying out the county into districts, the board of county commissioners shall in incorporated cities and towns make each ward thereof an election district. [L. 1890-91, ch. 100, § 5; R. S. 1899, § 244; L. 1907, ch. 27, § 1.]

§ 2140. Polling precincts—County commissioners shall establish. The county commissioners shall, in creating and establishing election districts, establish in any one district, as many polling precincts as shall be necessary and convenient for the voters of the election districts wherein such polling precincts may be established, but no polling precincts shall be established after the first day of registration as herein provided. [L. 1890, ch. 80, § 10; R. S. 1899, § 245.]

§ 2141. Rule for establishing polling precincts—Rule in cities. In altering and establishing election districts and polling precincts, the county commissioners shall be governed and guided by the interest and convenience of the greatest number of electors; Provided, that in municipalities, the polling precincts shall not extend over more than one ward, and that the polling precincts so established shall be the polling precincts for municipal elections. [L. 1890, ch. 80, § 13; R. S. 1899, § 246.]

§ 2142. Change of polling precincts—Limitation. At any meeting prior to the first day of registration, the county commissioners shall have discretionary power on petition of ten qualified voters within any election district, to vacate, change, consolidate, remove or establish any polling precincts within the several election districts; Provided, that no increase or decrease shall be made in the number of such election districts oftener than once in two years. [L. 1890, ch. 80, § 11; R. S. 1899, § 247.]

§ 2143. Size of polling precincts—When established. On or before the first day of September, of each year, in which an election is to be held, the officers charged by law with the establishment or alteration of polling precincts, shall, as far as necessary, divide the existing election districts into polling precincts in such a manner that each polling precinct shall not contain more than four hundred voters. [L. 1890, ch. 80, § 12; R. S. 1899, § 248.]

CHAPTER 147.

REGISTRATION.

§ 2144. Appointment of registry agents. Prior registration shall be required, first, in each election district in any incorporated city or town, irrespective of the number of votes cast therein, and second, in each election district located on the line of a railroad and not within an incorporated city or town, in which district more than one hundred votes were cast at the last preceding general election. The boards of the county commissioners of the several counties at each regular July meeting in every general election year shall appoint two registry agents for each election district in which prior registration is so required. Such registry agents shall not be members of the same political party, but shall be qualified voters of the election district for which they are appointed, and shall be otherwise competent to attend to the duties incident to their appointment. They shall hold their office for the term of two years and until their successors are appointed and qualified, but they

may be removed at the will of the county commissioners for cause. [L. 1897, ch. 53, § 5; R. S. 1899, § 249.]

§ 2145. Oath of registry agents. Before entering upon the duties prescribed by law, the registry agents, including ex officio registry agents, shall severally take and subscribe before an officer duly authorized to administer oaths, the following oath or affirmation, which shall be filed in the office of the county clerk of their respective counties, to-wit:

"I, ..., registry agent for election district No....., in the county of....., Wyoming, do solemnly swear (or affirm) that I will perform all the duties of registry agent in and for said election district according to law and the best of my ability, and that in the discharge of my duties as such agent I will honestly endeavor to prevent fraud, deceit, or any other manner of abuse of the elective franchise, so help me God (or for which I will answer under the pains and penalties of perjury)." [L. 1890, ch. 80, § 38; R. S. 1899, § 250.]

§ 2146. County commissioners shall furnish supplies. The county commissioners of the several counties shall supply the registry agents of their respective counties with all proper and necessary books and stationery and blank forms of affidavits for the voters, and particularly with printed copies of the election laws. They shall furnish to each registry agent a bound book which shall be known as the "Official Register," which shall be ruled in columns of suitable dimensions to provide for the following entries opposite the name of each elector, to-wit:

1. Number of the register.
2. Date of registry.
3. Name of elector.
4. Age of elector.
5. Where born.
6. Name of polling precinct.
7. Description of residence.

[L. 1890, ch. 80, § 35; R. S. 1899, § 251.]

§ 2147. Meetings of registry agents—Posting notice. Said registry agents shall meet on the Tuesday four weeks preceding each general and special election, at the office of the clerks of their respective cities or towns and villages, or at some convenient place therein designated by the county commissioners and made known by said registers by advertisement posted up in five public places in their district at least five days before the time of meeting. In incorporated cities and towns where a ward is made an election district, the registry agents of such district shall meet at some convenient place within such district as designated by the county commissioners. They shall convene at 9 o'clock in the morning and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election in their respective election districts, designating the ward and polling precinct, in which such persons are then residing and entitled to vote, which list, when complete, shall constitute and be known as the register of electors of said election district. [L. 1890-91, ch. 100, § 7; R. S. 1899, § 252.]

§ 2148. Register of electors—How made. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, according to their wards and polling precincts, when there are any, alphabetically arranged according to their surnames so as to show in one column the name in full, in another column the resi-

dence by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place, as near as may be, of each person. [L. 1890, ch. 80, §.17; R. S. 1899, § 253.]

§ 2149. Who must be registered. The said registry agents shall enter on said lists the names of all persons residing in their jurisdiction who are entitled to, and claim the right to, vote at the next general election. Such persons shall appear in person. [L. 1890-91, ch. 100, § 8; R. S. 1899, § 254.]

§ 2150. Oath of applicant to register. Every person applying to be registered shall, before he shall be entitled to have his name registered, take and subscribe before one of the registry agents one of the following oaths, which shall then be filed with said agents, to-wit:

"The state of Wyoming, county of....., ss.

"I do solemnly swear (or affirm) that I am a citizen of the United States; that I will be twenty-one years of age on or before the election day next ensuing; that I will have actually and not constructively been a bona fide resident of said state state one year and of said county sixty days, and of election district No.....in said county ten days preceding the day of the next general election; that I am an actual resident of polling precinct No..... in election district No..... in said county, and that I can read the constitution of said state. So help me God.

"State of Wyoming, county of....., ss.

"I do solemnly swear (or affirm) that I am a citizen of the United States; that I was a resident and qualified elector of Wyoming on the tenth day of July, 1890, that I have ever since then continued to be a resident of Wyoming; that I will have actually and not constructively been a bona fide resident of said county sixty days, and of election district No..... in said county ten days preceding the day of the next general election; that I am an actual and bona fide resident of polling precinct No..... in election district No..... in said county. So help me God.

"State of Wyoming, county of....., ss.

"I do solemnly swear (or affirm) that I am a citizen of the United States; that I will be twenty-one years of age on or before the election day next ensuing; that I will have actually and not constructively been a bona fide resident of this state one year and in this county sixty days, and of election district No..... in said county, ten days preceding the day of the next general election; that I am an actual and bona fide resident of polling precinct No..... in election district No..... in said county, and that I am prevented by reason of physicial disability from being able to read the constitution of this state. So help me God."

[Chapter 60, Session Laws, 1911.]

§ 2151. Registration hours. Said registry agents shall sit continuously from day to day until their labors are completed, not exceeding five days, and they shall keep their office open for the transaction of their business each day during the following hours, to-wit: From 9 o'clock in the morning until 1 o'clock in the afternoon, and from 2 o'clock in the afternoon until 6 o'clock in the afternoon, and from 7 o'clock in the evening until 9 o'clock in the evening. [L. 1890-91, ch. 100, § 8; R. S. 1899, § 256.]

§ 2152. Copies of registry lists to be made. When the registry is complete the registry agents shall make three copies thereof, and certify the register and copies thereof to be a true list of the voters of their

election districts, so far as they may know. .[L. 1890-91, ch. 100, § 8; R. S. 1899, § 257.]

§ 2153. Disposition of registry lists. Within four days thereafter, the said original list shall be filed by said registry agents in the office of the county clerk of the proper county, and one copy of said list shall be filed in the office of the clerk of the municipal corporation of the election district, and one copy shall be retained by each of said registry agents, and said registry agents shall also make a copy for each polling precinct in the district, and in the municipal corporation. The last said copy shall contain the list of voters in the ward in which the polling precinct is located, showing the precinct in which each elector resides, which last said copies shall be deposited with the board of county commissioners of the county, to be by them distributed to the election officers of said precincts for their use on the day of election. The board of county commissioners shall cause a copy of each of said ward lists to be publicly posted at each polling precinct in said district at least eighteen days before election day, if possible. [L. 1890-91, ch. 100, § 8; R. S. 1899, § 258.]

§ 2154. Meeting to complete lists—Time. The said registry agents shall again meet at the places herein above designated twelve days preceding the day of election for the purpose of revising, correcting and completing said list. They shall hold their sessions for not exceeding two days and during the same hours as at their first meeting. [L. 1890, ch. 80, § 19; R. S. 1899, § 259.]

§ 2155. Proceedings shall be public—Hearing. The proceedings shall be open, and all persons residing and entitled to vote in said district shall have the right to be heard in person in relation to the corrections or additions to said register. [L. 1890, ch. 80, § 20; R. S. 1899, § 260.]

§ 2156. Correction of lists—Challenges. Said agents shall at their first meeting for revising and correcting said list, erase therefrom the name of any person inserted therein, who shall be proved by the oath of two legal voters of said district, to the satisfaction of said agents, to be non-residents of said district, or otherwise not entitled to vote in said district at the election then next to be held; Provided, That if the person whose name is on such list shall be challenged, he shall be entitled to controvert by the oaths of legal electors of said district the allegations relating to his non-residence or other alleged disqualifications. [L. 1890-91, ch. 100, § 9; R. S. 1899, § 261.]

§ 2157. Qualified elector may be registered. Any elector residing in said district, entitled to vote therein, may appear before said agents in person and require his or her name to be recorded in said alphabetical list for the ward or precinct in which he or she claims to reside. [L. 1890-91, ch. 100, § 9; R. S. 1899, § 262.]

§ 2158. Affidavit of elector registering. Any person requiring his or her name to be so entered on said list shall make the same affidavit required of an elector who registers as heretofore provided, and shall be subject to challenge by either of the registry agents, or by any elector, and in case no challenge is made, such name shall be entered upon the registry list, or in case of challenge as aforesaid, then such person shall be registered only upon being vouched for by the affidavit of two electors, as provided for in §§ 2217 and 2218. [L. 1890-91, ch. 100, § 9; R. S. 1899, § 263.]

§ 2159. Certified lists to judges of election. After said lists shall have been fully completed and five days or more before the day of election, the said agents shall cause a complete list of the registered voters of each precinct in their respective districts to be made, certify the same to be correct and deliver to the judges of election of each polling precinct a list of the registered voters in their respective precincts. It shall be the duty of the judges so receiving such list carefully to preserve such list for their use on election day and to designate two of their number at the opening of the polls to check the name of each registered voter voting in such precinct. [L. 1890, ch. 80, § 22; R. S. 1899, § 264.]

§ 2160. Only registered electors can vote. No vote shall be received at any general or special election if the name of the person offering to vote be not on said register made as aforesaid in districts where registration is required. [L. 1890, ch. 80, § 22; R. S. 1899, § 265.]

§ 2161. Challenge of registered electors. Any person may be challenged and the same oaths required as now are or hereafter may be prescribed by law touching the legality of the vote offered. [L. 1890, ch. 80, § 22; R. S. 1899, § 266.]

§ 2162. Clerks of election shall make list—When. The clerks at each polling precinct where prior registration is not by law required, in addition to the duties now prescribed by law, shall enter on the poll list kept by them in columns prepared for that purpose, opposite the name of each person voting the same statement or minute heretofore required of the registry agents in making the registry. [L. 1890, ch. 80, § 23; R. S. 1899, § 267.]

§ 2163. Lists returned by judges—Preservation—Public. After the canvass of the votes the register so kept and checked as aforesaid shall be returned by the judges of election together with the poll lists and said register shall be retained and carefully preserved as a public record in the office of the county clerk. Such register at all times shall be open for public inspection at the office of the said county clerk without charge. [L. 1890, ch. 80, § 24; R. S. 1899, § 268.]

§ 2164. Pay of registry agents. The said registry agents shall each receive the sum of three dollars per day for each day actually employed, to be paid out of the county treasury upon properly verified claims. [L. 1890, ch. 80, § 25; R. S. 1899, § 269.]

§ 2165. Registry agents—Power—Vacancies. The said registry agents shall have and exercise the same power in preserving order at their meetings as are given to judges of election for preserving order on election day. All vacancies shall be filled by the board of county commissioners, if such board be in session in time, and if not, such vacancies shall be filled by the county clerk. [L. 1890, ch. 80, § 26; R. S. 1899, § 270.]

§ 2166. Judges ex officio registry agents—When. The judges of election of each election precinct in Wyoming in all districts where there were cast at the last preceding general election in each polling precinct in said district, as shown by the returns thereof, not more than fifty votes, shall be ex officio registry agents for their respective precincts, and it shall be the duty of the county clerk of each county, to furnish to the judges of election, if such polling precinct has by the returns of the last preceding general election shown to have polled not more than fifty votes, the same books, stationery, including black lead pencils

for the purpose of marking ballots of electors, and none other shall be used for such purpose, and blank forms of affidavits and printed copies of the election law, as they are required to furnish to the registry agents of such election districts on which registration is required before the day of election. It shall be the duty of the judges of election in the precincts wherein they are required to also act as registry agents, to register in the proper official register, each voter applying to vote in the manner prescribed by law for registration, prior to such voter being permitted to cast his ballot at such election. [L. 1895, ch. 118, § 2; R. S. 1899, § 271.]

§ 2167. Election register—When and how kept. The said judges of election as such ex officio registry agents, shall require and see that the clerks of election register all electors voting, giving full particulars in the proper columns of the records prepared by them as by this chapter required. Except that in giving the residence of persons who do not live in cities or towns, the residence of the elector shall be given by legal sub-divisions of land, according to the United States government survey, where it is practicable to ascertain the same. [L. 1890-91, ch. 100, § 10; R. S. 1899, § 272.]

§ 2168. Oath of elector voting on election day—Corroborating oath. Each person offering to vote on election day, shall, in precincts where prior registration is not required, take and subscribe the same oath as is required herein of persons applying to be registered. Such affidavit shall be administered by one of the judges of election without charge, and it shall be returned by the judges with the poll lists. [L. 1897, ch. 54; R. S. 1899, § 273.]

Board of Carbon Co. v. State, 17 Wyo. 396, 99 Pac. 1116.

§ 2169. When elector may vote. When a qualified elector applies to vote in precincts where prior registration is not required, he shall upon registering as hereinbefore provided, be entitled to vote, but not before. [L. 1890-91, ch. 100, § 12; R. S. 1899, § 274.]

CHAPTER 148.

JUDGES AND CLERKS OF ELECTION.

§ 2170. Judges of election—Appointment of—Notice. The board of county commissioners shall at the last regular session preceding any election—but if said regular session be within thirty days before the election, then a special meeting shall be called—appoint three capable and discreet persons possessing the qualifications of electors to act as judges of election, at each polling precinct, and the county clerk shall make out and deliver to the sheriff of the county immediately after the appointment of such judges a notice in writing directed to the judges so appointed, and said sheriff shall, within five days after the receipt of such notice, transmit the same by registered mail to each of said judges of election; Provided, That the sheriff shall in person or by deputy serve said notice upon any of the judges of election in the polling precinct at the county seat of his county. [L. 1890, ch. 80, § 56; R. S. 1899, § 275.]

§ 2171. Political qualification of judges. In making the appointment of judges of election as aforesaid, not more than two at any polling precinct shall be from any one political party. [L. 1890, ch. 80, § 57; R. S. 1899, § 276.]

Board of Carbon Co. v. State, 17 Wyo. 396, 99 Pac. 1116.

§ 2172. Term of office of—How appointed in cities. The judges of election shall be and continue judges of all elections to be held within their precincts for one year and until other judges shall be appointed as hereinbefore directed. Municipal elections shall be conducted in accordance with the provisions of the general election laws, except as is otherwise provided; Provided, however, That the judges of election for such municipal election shall be appointed by the councilmen or trustees of the incorporated city or town in which said election shall be held. [L. 1890, ch. 80, §58; R. S. 1899, § 277.]

§ 2173. Clerks of election—Appointment of—Political qualifications. The judges of election shall choose two persons, having the same qualifications with themselves, to act as clerks of the election and the clerks of the election may continue to act as such during the pleasure of the judges of election appointing them. The clerks shall not be members of the same political party unless it be impracticable to obtain two thus qualified. [L. 1890, ch. 80, § 59; R. S. 1899, § 278.]

§ 2174. Filling vacancy in office of judge—Election proceedings invalid—When. If at any time appointed by law for the opening of any election, any person duly appointed to act as judge of the election shall fail or refuse to act or to be sworn or affirmed to act in such capacity, the place of such persons shall be filled by viva voce votes of qualified electors residing within the polling precinct as may be present at the place of election, and each person so elected to fill such vacancy shall be a qualified elector of the precinct and shall be vested with the same power as if appointed by the board of county commissioners. All such judges shall at all times be present when the ballots are being cast and counted. Any ballot cast in the absence of any judge shall be invalid. Any proceeding had in the count and canvass of the votes by the judges, during the absence of any judge, shall be invalid. [L. 1890-91, ch. 100, § 15; R. S. 1899, § 279.]

§ 2175. Oath of judges of election. Judges of election, whether appointed by the commissioners or elected, shall before entering upon their duty as judges of election, severally take and subscribe the following oath in writing:

"I do solemnly swear (or affirm) that I will impartially and to the best of my knowledge and ability, perform the duties of judge of this election, and I will studiously endeavor to prevent all frauds, deceit and abuse in conducting the same."

In precincts where prior registration is not required, the judge of election, shall, in addition to the foregoing oath, take and subscribe to the oath required of registry agents before entering upon their duties. [L. 1890-91, ch. 100, § 16; R. S. 1899, § 280.]

§ 2176. Oath—How administered. Such oath may be taken before any person authorized to administer oaths, but if no person authorized to administer an oath be present, then the judges shall administer the oath to each other, with like effect in all proceedings, both civil and criminal, as though the oath had been administered by any other person authorized to administer oaths. [L. 1890, ch. 80, § 62; R. S. 1899, § 281.]

§ 2177. Oaths of clerks—How administered. The clerks of election shall take and subscribe in writing an oath similar in character to that required by law to be taken by the judges, which oath may be administered by any one of the judges to the clerks. [L. 1890, ch. 80, § 63; R. S. 1899, § 282.]

§ 2178. Pay of election officers. The judges and clerks of general county and municipal elections shall receive three dollars each for each full day for their services in attending such elections and ten hours shall constitute one day, and the judge or clerk who carries the returns to the postmaster at the nearest postoffice shall also receive ten cents per mile each way by the nearest traveled route unless he has to travel in another way than by railroad, in which case he shall receive ten cents per mile each way and three dollars per day for each day necessarily and actually employed in such travel, also the amount expended for postage and the registration fee upon such returns. Constables serving shall receive three dollars per day. [L. 1890, ch. 80, § 142; R. S. 1899, § 283.]

2179. Certificate of pay of election officers. The clerk of each county, or municipality as the case may be, shall, on canvass of the election returns of any election, make out his certificate stating therein the compensation to which the judges or clerks of such election and constables may be entitled for services, and lay the same before the county commissioners, or city or town council as the case may be, at their next meeting, and the compensation aforesaid shall be ordered to be paid out of the treasury of such county, city or town. [L. 1890, ch. 80, § 143; R. S. 1899, § 284.]

§ 2180. Duties of officers. No officer shall deposit in the ballot box any ballot except a lawful one. A lawful ballot is an official ballot officially stamped and marked with the initials or names of a judge of the election, and offered by a qualified elector during the time of election. No officer shall allow an unqualified elector to vote. No officer shall count the ballot of an elector more than once. No officer shall open or unfold any ballot presented by an elector. No officer shall reveal how any elector has voted. No officer shall ascertain or allow any person to ascertain how an elector has voted; Provided, however, An officer may assist a qualified but incapacitated elector to vote as provided for in §§ 2223 and 2224. No officer shall refuse a qualified elector the right to vote. No officer shall be guilty of any fraud, corruption or misbehavior in the receiving or canvassing or returning of votes. No officer shall change any ballot voted. The word officer as used in this section shall include judges and clerks of election, county and municipal clerks, justices of the peace, messengers and all others who are in any way connected with the conduct of an election or the canvassing or returning thereof. Any officer violating any of the provisions of this section, shall be imprisoned in the penitentiary not more than five years and not less than one year, or be fined not more than two thousand dollars, and not less than one hundred dollars, or may be both imprisoned and fined as aforesaid, and shall forever thereafter be incapacitated from holding any civil office or of exercising the elective franchise in Wyoming. [L. 1890, ch. 80, § 164; R. S. 1899, § 285.]

Board of Carbon Co. v. State, 17 Wyo. 408, 99 Pac. 1116.

CHAPTER 149.

BALLOTS.

§ 2181. Ballots printed at public expense. All ballots cast in elections for public officers (except school district officers) shall be printed and distributed at public expense as provided for in § 2182. [L. 1890, ch. 80, § 82; R. S. 1899, § 286.]

§ 2182. Printing of ballots, a public charge. The printing of ballots and cards of instructions for the electors of each county and the delivery

of the same to the election officers, as provided for in § 2185, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses, and the expense of printing and delivering the ballots and cards of instruction shall in the case of municipal elections be a charge upon the city or town in which such election shall be held. [L. 1890, ch. 80, § 83; R. S. 1899, § 287.]

§ 2183. Ballots shall state propositions submitted to electors. Whenever the secretary of state has duly certified to the county clerk any question to be submitted to a vote of the people, the county clerk shall have printed on the regular ballots the question in such form as will enable the electors to vote upon the question so presented in the manner provided for in § 2184. The county clerk shall also prepare the necessary ballots whenever any question is required by law to be submitted to the vote of the electors of any locality, and not to the state generally; Provided, however, That in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the municipal clerk to provide the necessary ballots. [L. 1890, ch. 80, § 105; R. S. 1899, § 288.]

[§ 2184. What ballot shall contain. Repealed by Chapter 51, Session Laws, 1911. See page 66.]

§ 2185. Delivery of ballots to judges of election. At or before the opening of the polls the county clerk or the municipal clerk in the case of municipal elections shall cause to be delivered to the judges of election of each polling precinct which is within the county or within the municipality in the case of municipal elections, and in which the election is to be held at the polling place of the precinct the proper number of ballots as provided for in § 2188. He shall also deliver to the said judges a rubber or other stamp with red ink pad for the purpose of stamping or designating the official tickets as hereinafter provided. Said stamp shall contain the words "Official ballot," the name and number of the polling precinct, the name of the county or municipality as the case may be, the date of the election, and the name and official designation of the clerk who furnishes the tickets. [L. 1890, ch. 80, § 110; R. S. 1899, § 290.]

Slaymaker v. Phillips, 5 Wyo. 460, 40 Pac. 971, 42 Pac. 1049, 47 L. R. A. 824; Board of Carbon Co. v. State, 17 Wyo. 371, 99 Pac. 1116.

§ 2186. Ballots and stamp delivered under seal—Receipt. The ballots and stamp for each precinct shall be enclosed in a package under seal, and the person delivering them to the judges of election shall take a receipt therefor, and file the same in the county or municipal clerk's office, as the case may be. [L. 1890, ch. 80, § 111; R. S. 1899, § 291.]

§ 2187. Preparation of officially printed ballots—Such only shall be cast. Except as otherwise provided by law, the clerk of each county shall provide printed ballots for every election for public officers other than city, town or school district officers, in which the electors or any of the electors within the county participate, and to cause to be printed in the ballot the name of every candidate whose name has been certified to, or filed with the county clerk in the manner provided for by law. Ballots other than those printed by the respective county clerks, according to the provisions of law shall not be cast or counted in any election. In all municipal elections, the duties herein specified as devolving on the county clerk, shall devolve on the municipal clerk. [L. 1890, ch. 80, § 102; R. S. 1899, § 292.]

§ 2188. Number of ballots to be furnished. The county clerk of each county shall provide for each election precinct in the county one

hundred ballots for every fifty or fraction of fifty electors registered in the precinct, and if there is no registry in the precinct, the county clerk shall provide ballots to the number of one hundred for every fifty or fraction of fifty electors who voted at the last preceding general election in the precinct; Provided, however, That in municipal elections it shall be the duty of the municipal clerk to provide tickets as specified in this section. [L. 1890-91, ch. 100, § 18, sub. 6-8; R. S. 1899, § 293.]

§ 2189. **Time of printing ballots—Errors corrected.** Ballots shall be printed and in possession of the county clerk at least ten days, and of a municipal clerk at least two days, if possible, before election, and subject to inspection by the candidates and their agents. If any mistake is discovered the county clerk shall cause the same to be corrected without delay. [L. 1890, ch. 80, § 108; R. S. 1899, § 294.]

§ 2190. **Order of court correcting errors.** Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the ballots, the district court of the county, or the judge thereof shall, upon application of any elector, by order require the county or municipal clerk to correct such error, or to show cause why such error should not be corrected. [L. 1890, ch. 80, § 109; R. S. 1899, § 295.]

§ 2191. **Replacing lost ballots.** In case the ballots to be furnished to any voting precinct in accordance with the provisions of law shall for any reason not be duly delivered, or if after delivery they shall be lost, destroyed or stolen, the county clerk or municipal clerk, as the case may be, shall cause other ballots to be prepared substantially in the form of the ballots so wanting. The judges of election, upon the receipt of said other ballots, shall make a statement under oath that the original ballots have been lost, stolen or destroyed, and that the said clerk has furnished them with the new ballots. The judges of election shall then cause the new ballots to be used in lieu of the original ballots. [L. 1890, ch. 80, § 107; R. S. 1899, § 296.]

CHAPTER 51.

[Session Laws, 1911.]

RELATING TO ELECTIONS AND BALLOTS.

Sec. 1. How ballot shall be printed. All official ballots for elections of public officers, except school district officers and officers in towns having a population of less than one thousand people, shall be uniform in size, white in color, of a good quality of paper through which the printing or writing cannot be read, and all printing thereon shall be in black ink. The party name or title shall be printed in capital letters, at the head of each column, not less than one-fourth of an inch in height. The names of candidates shall be printed in capital letters not less than one-eighth of an inch nor more than one-fourth inch in height.

Sec. 2. What ballot shall contain. Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified, or has been properly filed, in the office of the county clerk, according to law, and no other name. The name of a candidate shall be printed upon the ballot once and no more. All nominations made by any political party, casting two per cent. of the vote in the state at the last preceding general election shall be placed in a separate column, and all nominations of any such political party shall be placed under the

name of such party as designated by them in their certificate of nomination, petition, or in any other paper or certificate permitted by law. Only one word shall be so used on a ballot to designate the name of any political party. To the right of the party columns shall be one or more columns for independent nominations. And the names of all independent candidates shall be placed in the proper place in the column, or columns designated "Independent," and after each such name shall be printed in one word the name of his party or principle as given in his certificate of nomination.

Sec. 3. How arranged. All columns containing the names of candates shall be separated by heavy black lines, not less than one-sixteenth of an inch wide. On the left hand side of the ticket shall be a column designating the office to be voted for, and on the same line in the several columns, under the appropriate party name, or title, all the names of the candidates nominated for that office, shall be printed.

Sec. 4. Square after each name. After, and to the right of the name of each candidate for an office, and within each party designated column, and separated from the lines dividing the columns, shall be a square, clearly designated by heavy black lines, in which the voter may designate by a cross, his choice for each office. There shall be no other squares on said ballot.

Sec. 5. Which party first. The ticket of the party having the greatest number of votes within the county at the last preceding general election shall be placed first on the ballot, and the position of the other tickets shall be governed relatively by the same rule. In determining the number of votes cast or had by the several political parties, reference shall be had only to the vote for representative for congress.

Sec. 6. Space for additional name. There shall be left under the name of each candidate sufficient space to write another name therein, and the name so written, in such place and so designated as to indicate the office, shall be counted the same as if printed upon the ballot and marked by the voter.

Sec. 7. Intent of voter. If any elector shall mark his ballot with a cross mark, or any other mark within the square, after immediately at the right of the name of any candidate, or at any place within the space in which the name appears indicating an intent to vote for such person, it shall be deemed a sufficient vote for the candidate whose name is opposite.

Sec. 8. Form and instruction. The ballot hereinbefore provided for, shall be, with the instruction hereinbefore mentioned, substantially of the following form:

"OFFICIAL ELECTION BALLOT."

For.....County, Wyoming, November...., 191..

Instruction—"Mark a cross in the square immediately to the right of the name of the candidate printed thereon for whom you want to vote; or write the name of any other person for whom you want to vote, in the proper place."

	Republican	Democratic	Socialist
For Governor	John Smith ☐	David Jones ☐	John Doe ☐
For Secretary of State	John Smith ☐	David Jones ☐	John Doe ☐
For State Auditor	John Smith ☐	David Jones ☐	John Doe ☐

Sec. 9. Order of offices. In the preparation of the ballot the order of arrangement of offices to be filled shall be—first, presidential electors, if any; second, state officers, including justice of the supreme court; third, representative in congress; fourth, district judge, if any; fifth, members of senate and house of representatives; sixth, county offices, seventh, precinct offices.

Sec. 10. Questions submitted. Any question, other than a constitutional amendment, shall be printed and submitted to the people as near as may be in accordance with the manner and method provided by law for the printing and submission of a constitutional amendment, and the provisions of the law governing such constitutional amendments shall, as near as may be, apply to any other question submitted to a vote of the people.

Sec. 11. Hours poll shall be open. At all elections a poll shall be opened at the place of election. At each polling precinct such poll shall be opened as soon after nine o'clock in the forenoon as possible, and shall be kept open without any adjournment as follows: In all precincts wherein prior registration is by law required, such poll shall be kept open until seven o'clock in the afternoon; in all other precincts such poll shall be closed at five o'clock in the afternoon.

Sec. 12. Repeal. Sections 2184 and 2206 of the Wyoming Compiled Laws, 1910, and all other acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 150.

CONDUCT OF ELECTIONS.

§ 2192. Notice to judges of election. The board of county commissioners shall within a reasonable time notify the judges of election appointed by them of each election taking place within the county at which such judges should officiate. [L. 1890-91, ch. 100, § 14, sub. 2; R. S. 1899, § 297.]

§ 2193. Judge shall give notice of inability to serve. Whenever a judge of election knows that he will be unable to officiate at an election, he shall notify the county commissioners in writing within a reasonable period before such election, that he will be unable to serve thereat. [L. 1890-91, ch. 100, § 14, sub. 3; R. S. 1899, § 298.]

§ 2194. Preparation of voting places and supplies. The sheriff of the county in general and county elections and the city marshal in munici-

pal elections, shall provide in each polling place designated by them, a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots screened from observation, and a guard rail so constructed that only persons within such rail can approach within ten feet of the ballot boxes, or the places, booths or compartments herein provided for. [L. 1890, ch. 80, § 112; R. S. 1899, § 299.]

§ 2195. Ballot boxes. There shall be provided at the expense of the county, for each polling precinct, a substantial ballot box or canvas pouch with a secure lock and key. There shall be one opening, and no more, in such box or canvas pouch, of sufficient size to admit a single folded ballot. The adoption of the canvas pouch to be used instead of the ballot box, in any precinct, shall be optional with the commissioners of each county, but in such precincts, where pouches are so adopted, the pouches shall be returned to the county clerk together with the other election returns, as by law provided. [L. 1890, ch. 80, § 80; R. S. 1899, § 300; L. 1901, ch. 29, § 1; L. 1903, ch. 15, § 1.]

§ 2196. Contents of voting booth. The voting booth shall not contain anything except the card of instructions and the sample ballot, each of which shall be posted therein, and necessary writing and marking materials to enable the voter to speedily mark his ballot. The marking materials should be lead pencils whenever it is practicable to obtain the same, and ink should not be used, if it can be avoided. There shall not be in said voting booths any placards, notices or devices of any kind whatsoever to call the attention of the voter to any candidate, or to urge the voter to vote for any candidate; neither shall the booth contain anything for the use or comfort of the voter, whereby the claims of any candidate are directly or indirectly urged upon the voter. The judges of election shall see that the above instructions are strictly complied with. [L. 1890-91, ch. 100, § 21; R. S. 1899, § 301.]

§ 2197. Polling places shall not be near saloons. No election shall be held nor shall any election be appointed to be held in any saloon or barroom or in any room or place contiguous or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection after having been so designated, the judges of election shall have power to, and they shall on or before the day of such election and before the opening of the polls on such day, procure a suitable place as near thereto as may be not subject to like objections. The judges shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them and at the time of such adjournment give public notice of such change as provided for in § 2199, and all expense attending such change shall be certified by the judges to the proper authorities, and shall be allowed and paid accordingly. [L. 1890, ch. 80, § 69; R. S. 1899, § 302.]

§ 2198. Change of polling place. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after having assembled at or as near as practicable to such place, and before receiving any vote may change to the nearest convenient place for holding the election, and at such changed place forthwith proceed with the election. [L. 1890, ch. 80, § 70; R. S. 1899, § 303.]

§ 2199. Notice of change of polling place. Upon changing the place of any election as provided in either of the next two preceding sections,

the judges shall cause proclamation thereof to be made and shall station a constable or some other proper person at the place from which the change was made to notify all electors arriving at such place of the change and the place to which it was made. [L. 1890, ch. 80, § 71; R. S. 1899, § 304.]

§ 2200. Space around polls. A space of twenty feet in every direction from the polls shall be kept open and clear of all persons, except one challenger of good conduct and behavior, selected by each political party to detect and challenge illegal voters; Provided, That where the polling place is in an established building, or it would entail unnecessary expense upon the county to build such a polling booth, the space of twenty feet need only be in such direction from the building and in such way as would leave a clear space for the easy entrance and exit of all electors, to and from the polling place, without the hindrance or molestation of any one. [L. 1890-91, ch. 100, § 17; R. S. 1899, § 305.]

§ 2201. Expense of polling places—Utilizing of public buildings. The expenses of providing such plans or compartments and guard rails shall be a public charge, and shall be provided for in the same manner as the other election expenses. In all cases where it is practicable to utilize a building already constructed, the county commissioners may use the same, or any school house or other public building; Provided, That in the use thereof they can secure a substantial compliance with the law. [L. 1890-91, ch. 100, § 19; R. S. 1899, § 306.]

§ 2202. Number of voting booths. The number of such places, booths or compartments shall not be less than one for every one hundred electors, or fraction thereof, registered in the precinct. [L. 1890, ch. 80, § 114; R. S. 1899, § 307.]

§ 2203. Approach and departure from polls. The voters shall approach the polling place from one direction and depart in another. [L. 1890, ch. 80, § 73; R. S. 1899, § 308.]

§ 2204. Electors privileged from arrest—When. Electors shall, in all cases, except in those of felony, or breach of the peace, be privileged from arrest during their attendance on the elections, and in going to and returning from the same. [L. 1890, ch. 80, § 74; R. S. 1899, § 309.]

§ 2205. Challengers inside polling place. The judges of election shall permit at least one and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, to enter the room where the election is held to act as challengers of voters, and to remain during the time that the votes are being canvassed and the returns made up; such challengers shall be residents of the precincts in which they act as such. [L. 1897, ch. 53, § 11; R. S. 1899, § 310.]

§ 2206. Time of keeping polls open. See Sec. 11, Chapter 51, Session Laws, 1911, page 68.

§ 2207. Proclamation of opening and closing polls. When opening the polls, one of the clerks or judges of the election shall make proclamation of the same and at least thirty minutes before the closing of the poll proclamation shall be made in like manner of the time when the polls will be closed. [L. 1890, ch. 80, § 66; R. S. 1899, § 312.]

§ 2208. Good order at polls. The judges of election may appoint some constable, if there shall be one present, to preserve order at and about the polls. If no officer be in attendance, the judges of the election

may appoint one, and he shall have the powers of a regular constable and be obeyed as such. [L. 1890, ch. 80, § 67; R. S. 1899, § 313.]

§ 2209. Power of constable at polls. Any constable attending such election, or person appointed by the judges as such, may arrest any disorderly person or suppress any riot or disorder without a warrant, and may call a sufficient number of persons to his aid. [L. 1890, ch. 80, § 68; R. S. 1899, § 314.]

§ 2210. Ballot box—Public inspection before election—Custody of. Before any ballot shall be deposited in the ballot box, the box shall be publicly opened and exhibited and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges to be designated by the others, and shall not again be opened until the close of the polls. The ballot box shall not be removed from the presence of judges or clerks of election after locking said box as herein provided until all the ballots shall be counted and poll lists made of all the names on said ballots. [L. 1890, ch. 80, § 81; R. S. 1899, § 315.]

§ 2211. No booths necessary—When. In precincts containing less than fifty voters as shown by the last preceding election returns, the election may be conducted under the provisions of this chapter without the preparation of such booths or compartments as required by this chapter. [L. 1890-91, ch. 100, § 20; R. S. 1899, § 316.]

§ 2212. Duty of judges upon failure to receive registry list. If any registry agent or any county commissioner fail or refuse to furnish the judges of election of any precinct lists of the registered voters in said precincts, as provided for in §§ 2153 and 2159, the judges of election are authorized to take a copy of the written list of registered voters in said precinct as provided for by law, and conduct the election in said precinct in accordance with the provisions of this chapter, and their returns shall show the reasons for using such written list instead of the registered list of such election. [L. 1890, ch. 80, § 37; R. S. 1899, § 317.]

§ 2213. Cards of instruction to electors—Who shall furnish. The county clerk of each county or municipal clerk, as the case may be, shall cause to be printed in large type on cards in English, instructions for the guidance of electors in preparing their ballots. He shall furnish six of such cards to the judges of election in each election precinct, and one additional card for each one hundred registered electors, or fractional part thereof in the precinct, at the same time and in the same manner as printed ballots. The judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots and not less than three of such cards elsewhere, in and about the polling places, upon the day of election. Said cards shall be printed in large clear type, and shall contain full instructions to the voter as to what should be done, viz.:

1. To obtain ballots for voting.
2. To prepare ballots for deposit in the ballot boxes.
3. To obtain a new ballot in the place of one spoiled by accident or mistake. Said card shall also contain a copy of §§ 2214 and 2313. There shall also be posted in each of the compartments or booths one of the official tickets, without the official stamp herein provided for, and not less than three of such tickets posted elsewhere in and about the polling places upon the day of election. [L. 1890, ch. 80, § 117; R. S. 1899, § 318.]

§ 2214. Elector—What he may or may not do in voting.

1. No person shall vote or offer to vote at any election except he shall be a qualified elector.

2. No person shall vote in the name of any registered elector except his own.

3. No person shall vote more than once at any election.

4. No person shall aid or abet any unqualified person to vote.

5. No person, other than the properly designated election officer, shall put any ballot or thing into a ballot box.

6. No person shall either directly or indirectly employ, engage or hire any one, for any fee or reward or promise thereof, to secure the election or defeat of any candidate for office.

7. No person shall receive or demand, either directly or indirectly, any fee or reward for aid given to secure the election or defeat of any candidate for office.

8. No person shall attempt to influence the vote of any elector by means of a promise or a favor, or by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or discharging from employment or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him, or by any other means.

9. No person shall in any way offer a bribe to an elector to influence his vote.

10. No person shall prevent or attempt to prevent any qualified elector from voting.

11. No person shall give or offer to give any valuable thing or bribe to any officer, judge or clerk of election, as a consideration for some act to be done or omitted to be done, contrary to his official duty, in relation to any election.

12. No officer of election shall do any electioneering on election day.

13. No person whatsoever shall do any electioneering on election day within any polling place, or any building in which an election is being held, or within twenty yards thereof, nor obstruct the doors or entries thereto, or prevent free ingress to and egress from such building or place.

14. No person shall remove any ballot from the polling place before the closing of the polls.

15. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit any elector to show the same.

16. No person except a judge of election shall receive from any elector any ballot prepared for voting.

17. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such judge of election deliver a ballot to such elector.

18. No elector shall vote or offer to vote any ballot except such as he has received from a judge of election having charge of the ballots.

19. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him.

20. Every elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots, shall, before leaving the polling place, return such ballot to said judges.

21. No person shall ascertain, or publish, or reveal how any elector voted at any election.

22. Whoever shall violate any of the provisions of this section shall be imprisoned in the county jail not to exceed six months, or be fined not to exceed five hundred dollars, or both. [L. 1890, ch. 80, § 174; R. S. 1899, § 319.]

§ 2215. Poll list—How kept. Each clerk of election shall keep a poll list, which shall contain a column headed "number," and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books of the respective clerks in regular succession under the proper headings and the number of such voter placed opposite his or her name in the column headed "number." [L. 1890, ch. 80, § 64; R. S. 1899, § 320.]

§ 2216. Elector may vote for any one—Aids to elector in preparing ballot. Nothing herein contained shall prevent any voter from writing on his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter. Any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as otherwise provided in § 2233. [L. 1890, ch. 80, § 103; R. S. 1899, § 321.]

§ 2217. Oath of elector challenged. Any person offering to vote may be challenged and he shall not vote until he has taken the following oath, administered by one of the judges of election:

"You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be, and who is registered in this precinct at this election, and that you have not voted at this election." [L. 1890, ch. 80, § 76; R. S. 1899, § 322.]

Board of Carbon Co. v. State, 17 Wyo. 396, 99 Pac. 1116.

§ 2218. Oath identifying challenged elector. Such elector so sworn shall also before voting deliver to the judges of election an affidavit signed by two qualified electors of that precinct, stating that the person offering to vote, naming him, is the identical person whom he represents himself to be, and that the deponents have each known him for at least six months, and that they believe him to be a qualified elector. Such affidavit shall have attached thereto the jurat of the officer administering the oath, which jurat shall bear date, the day of the election at which such person offers to vote, and shall be returned by the judges of the election with other election papers. [L. 1890, ch. 80, § 76; R. S. 1899, § 323.]

Board of Carbon Co. v. State, 17 Wyo. 396, 99 Pac. 1116.

§ 2219. Challenged electors voting shall be designated in poll lists. The clerks of election shall write after the name of every person who has been challenged and voted the word "sworn," and the names of the electors making affidavit to the qualifications of the person voting. [L. 1890, ch. 80, § 77; R. S. 1899, § 324.]

Board of Carbon Co. v. State, 17 Wyo. 396, 99 Pac. 1116.

§ 2220. Officers of election shall challenge. Each judge or clerk of the election shall challenge any person whom he shall know or suspect of not being a qualified elector. [L. 1890, ch. 80, § 78; R. S. 1899, § 325.]

§ 2221. Administration of oath to challenged elector. The oath in each case where challenge is given may be administered by either of the judges of election or by any officer, resident in the precinct, or district, authorized by law to administer oaths. [L. 1890, ch. 80, § 79; R. S. 1899, § 326.]

§ 2222. When an elector who has not registered may vote. At all elections each qualified elector who shall not have registered as a voter according to law, shall be entitled to vote thereat, if the failure to register is caused by sickness or absence during the last preceding registration period. But before such person's vote shall be accepted, he shall make an affidavit in writing, duly corroborated by the affidavit of two qualified electors of the precinct at which he offers to vote, that he is a qualified elector of the state and of the precinct in which he offers to vote, giving his place of residence, as near as may be, and stating the length of time he has resided in his county and in the state, and that such person offering to vote was absent or by sickness unable to register during the last preceding registration period. Such affidavit shall be administered by one of the judges of election, without charge, and it shall be returned by them with the poll list. [L. 1890-91, ch. 100, § 13; R. S. 1899, § 327.]

Board of Carbon Co. v. State, 17 Wyo. 396, 99 Pac. 1116.

§ 2223. Judges may assist voter. Any voter who declares to the judges of election, that he or she cannot read, in case such person was a voter on the tenth day of July, A. D., 1890, or that by blindness or other physical disability, he or she is unable to mark his or her ballot, shall upon request, receive the assistance of two of the election officers, who shall not be members of the same political party in the marking thereof, and such officers shall certify on the outside thereof that it was so marked by their assistance, and shall thereafter give no information regarding the same. [L. 1895, ch. 48; R. S. 1899, § 328.]

§ 2224. Disabled elector may be sworn. Either of the judges may require such declaration of disability to be made by the voter under oath before them, and they are hereby qualified to administer the same. No elector other than one who may, because of his disability to read, or physical disability, be unable to mark his ballot, shall divulge to any one within the polling place the name of any candidate for whom he intends to vote or to ask or receive the assistance of any person within the polling place in the preparation of his ballot. [L. 1890, ch. 80, § 127; R. S. 1899, § 329.]

Slaymaker v. Phillips, 5 Wyo. 460, 40 Pac. 971, 42 Pac. 1049, 47 L. R. A. 824

§ 2225. Who allowed within rail—Electors shall not be disturbed. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot shall be permitted to be within the rail, and in case of small precincts where places, booths and compartments are not required, no persons engaged in preparing their ballots shall in any way be interfered with by any person unless it be some one authorized by the provisions of the election laws to assist him or them in preparing his or their ballots. [L. 1890, ch. 80, § 116; R. S. 1899, § 330.]

§ 2226. Booth, who may occupy—Time of occupancy. Not more than one person shall be permitted to occupy any one booth at any one time, and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot and in no event longer than five minutes, if the other booths or compartments are occupied. [L. 1890, ch. 80, § 123; R. S. 1899, § 331.]

§ 2227. Return of spoiled official ballots—Limitation Any voter who shall by accident or mistake spoil his ballot may, on returning such spoiled ballot, and not otherwise, receive another in place thereof, but no voter shall receive more than three ballots altogether. [L. 1890, ch. 80, § 124; R. S. 1899, § 332.]

§ 2228. Official ballot shall not be removed. No person shall take or remove any ballot from the polling place before the close of the polls. [L. 1890, ch. 80, § 125; R. S. 1899, § 333.]

§ 2229. Duty of judges of election—Endorsed ballots. It will be the duty of the judges of election to see that the official endorsement herein provided for appears upon each ballot before the same is deposited in the ballot box. [L. 1890, ch. 80, § 129; R. S. 1899, § 334; L. 1907, ch. 54, § 1.]

Slaymaker v. Phillips, 5 Wyo. 460, 40 Pac. 971, 42 Pac. 1049, 47 L. R. A. 824; Board of Carbon Co. v. State, 17 Wyo. 408, 409, 99 Pac. 1116.

§ 2230. Return of spoiled and unused ballots by judges of election. All ballots spoiled by the voter shall by the judges be immediately canceled and together with those not distributed to voters shall be preserved and all returned to the county or municipal clerk as the case may be, when the returns required by § 2239 are made. [L. 1890, ch. 80, § 129; R. S. 1899, § 335.

§ 2231. Designation of judges to deliver official ballots. At each election the judges of election shall designate two of said judges who shall deliver the ballots to the qualified electors. Before the delivering of any ballot to an elector the said judges shall print on the back and near the top of the ballot with a rubber or other stamp provided for that purpose the designation "Official ballot," and the other words on the said stamp as provided for in § 2185, and one of the said judges shall write his name or initials upon the back of each ballot, and directly under the said official stamp. No number or any mark for identification shall be put upon any official ballot except as herein provided. Each qualified elector shall receive from the said judges one ballot prepared as aforesaid. [L. 1890, ch. 80, § 119; R. S. 1899, § 336.]

Slaymaker v. Phillips, 5 Wyo. 460, 40 Pac. 971, 42 Pac. 1049, 47 L. R. A. 824; Board of Carbon Co. v. State, 17 Wyo. 408, 409, 99 Pac. 1116.

§ 2232. Preparation of ballot. On receipt of his ballot, the elector shall forthwith and without leaving the polling place, retire alone to one of the places, booths or compartments provided for that purpose and there prepare his ballot as indicated in § 2184. [L. 1890, ch. 80, § 120; L. 1897, ch. 53, § 18; R. S. 1899, § 337.]

Slaymaker v. Phillips, 5 Wyo. 460, 40 Pac. 971, 47 L. R. A. 824; Hamilton v. Turner, 13 Wyo. 418, 80 Pac. 664.

§ 2233. Elector may use unofficial ballot to aid in marking official ballot. In marking a ballot any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or have marked previous to entering the polling place or booth, but no elector shall be at liberty to use, and no person shall print, have printed, or have in his possession, any unofficial or sample ballot unless the same is printed on red, yellow or blue paper, and is plainly marked at the top thereof "Sample ballot." [L. 1897, ch. 53, § 19; R. S. 1899, § 338.]

§ 2234. Casting of official ballot by elector. After preparing his ballot the elector shall fold it so that the face of the ballot will be concealed, and so that the endorsement thereon may be seen. He shall then vote forthwith and before leaving the polling place. [L. 1890, ch. 80, § 122; R. S. 1899, § 339.]

Slaymaker v. Phillips, 5 Wyo. 460, 40 Pac. 971, 42 Pac. 1049, 47 L. R. A. 824

CHAPTER 151.

CANVASS AND RETURNS.

§ 2235. Canvass of ballots cast. As soon as the polls of the election shall be closed the judges shall proceed immediately to canvass the vote given and shall continue without adjournment until the canvass is completed. The canvass must commence by a comparison of the poll lists and they must be made to agree; the ballot box shall then be opened and the ballots counted by the judges and clerks, unopened, and if there are more ballots than names upon the poll list, the ballots must be returned to the box, shaken up, and one of the judges shall draw from such box ballots enough to make the remainder agree with the poll list, which ballots so drawn shall be destroyed, and two or more ballots being found so folded as to bear the appearance of having been voted by one person shall not be counted, but preserved with the poll books; the poll list and ballots being made to agree, the judges and clerks shall then proceed to count and ascertain the number of votes for each person named upon such ballots. [L. 1890, ch. 80, § 131; R. S. 1899, § 340.]

Slaymaker v. Phillips, 5 Wyo. 460, 40 Pac. 971, 42 Pac. 1049, 47 L. R. A. 824; Board of Carbon Co. v. State, 17 Wyo. 394, 99 Pac. 1116.

§ 2236. Record and certificate of ballots cast. When the votes shall have been examined and counted, the clerks shall set down in their poll books the total number of persons voting in such precinct at such election; the name of every person voted for, written at full length; the office for which said person receives such vote, and the number he did receive, the numbers being expressed in words at full length, and also in figures, such entry to be made substantially in the following form, to-wit:

"At an election held in polling precinct No.....in election district No.....in.....County, Wyoming on the.....day of .....A. D.....the total number of persons voting was..... and the following named persons received the number of votes annexed to their respective names for the following offices: (Here insert names of candidates voted for with office and number of votes received, the number of votes received in each case to be spelled out in full as well as written in figures.) Certified by us.

.....
.....
.....
Judges of Election.

Attest:

.....
.....
Clerks of Election.

Dated at.....this.....day of .....A. D.....''

As soon as all the votes shall have been read off and counted, the judges and clerks of election shall make out and sign a certificate under their hands, as above provided; and shall make out and sign a duplicate record and certificate of the ballots cast, which duplicate shall be sent forthwith by messenger or by registered mail to the office of the secretary of state. [Chapter 103, Session Laws, 1913.]

§ 2237. Rejection of ballots. In the canvass of votes if it shall appear that there is a greater number of ballots in the box than the number called for by the poll list it shall be the duty of the judges to reject any ballots which are not endorsed with the official stamp or which have not

endorsed the initials or name of the judge of election, as provided by law, until the number of ballots in the box shall agree with the number on the poll list. Any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted; Provided, That when a ballot is sufficiently plain to gather therefrom the voter's intention as to one or more of the candidates, it shall be the duty of the judges of election to count the same to the extent to which the voter's intention may be so gathered, notwithstanding the failure of the voter to mark his ballot strictly in accordance to the instructions. [L. 1890, ch. 80, § 130; R. S. 1899, § 341; L. 1907, ch. 54, § 2.]

Slaymaker v. Phillips, 5 Wyo. 460, 40 Pac. 971, 42 Pac. 1049, 47 L. R. A. 824; Hamilton v. Turner, 13 Wyo. 418, 80 Pac. 664; Board of Carbon Co. v. State, 17 Wyo. 408, 99 Pac. 1116.

§ 2238. Saving clause omitted. Chapter 54 of the Laws of 1907 amended §§ 334 and 341 of the Revised Statutes of 1899, which are incorporated as §§ 2229 and 2237 of this volume, respectively. A saving clause appearing in the chapter as to election contests pending and undetermined on February 27th, 1907, being of a temporary nature, is omitted.—Compiler. [L. 1907, ch. 54, § 3.]

§ 2239. Delivery of election records and return. The judges of election shall then enclose and seal one of the poll books together with all the ballots cast and affidavits of electors concerning the qualification of persons voting, all ballots returned by voters as spoiled and all ballots not cast, accounting for those posted as by law required, under cover directed to the county clerk of the county in which such election is held or municipal clerk as the case may be, and the packet thus sealed shall be conveyed by one of the judges or clerks of election, to be determined by lot if they cannot agree otherwise, and the said packet shall be delivered to the postmaster at the nearest postoffice and registered within forty-eight hours from the closing of the polls. The judges of election shall retain the other poll book in their possession. [L. 1890, ch. 80, § 133; R. S. 1899, § 343.]

Board of Carbon Co. v. State, 17 Wyo. 395, 99 Pac. 1116.

§ 2240. Preservation of official ballots cast. All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine in the order in which they have been read, and shall be delivered, together with the poll books, to the clerk as hereinbefore specified, who shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning without the package being previously opened; Provided, If any contest of election shall be pending in which such ballots may be required as evidence, the same shall not be destroyed until such contest is finally determined. [L. 1890, ch. 80, § 134; R. S. 1899, § 344.]

Board of Carbon Co. v. State, 17 Wyo. 395, 99 Pac. 1116.

§ 2241. Informality in delivery of returns shall not invalidate vote. Informality in the delivery of the returns, as specified in § 2239, in the absence of fraud shall not invalidate the vote of any precinct. If at an election, any polling precinct is not opened, and no ballots cast therein, such failure shall not invalidate such election. [L. 1890, ch. 80, § 135; R. S. 1899, § 345.]

Board of Carbon Co. v. State, 17 Wyo. 395, 99 Pac. 1116.

§ 2242. Messenger for county election returns. Should the returns from such election be not received by the county clerk within ten days of the time such election was held, then the county clerk may send a special messenger, whose mileage and per diem shall be paid by the county as in other cases. The judges of election shall make out a certified copy of the

poll book of such election in their possession, enclose and seal the same and deliver the same to said messenger. [L. 1890, ch. 80, § 136; R. S. 1899, § 346.]

§ 2243. Abstract of votes and certificate of election. On the fifteenth day after the close of any county or general election, or sooner if all returns be received, the clerk of the county, taking to his assistance two justices of the peace of his county, (one of whom shall be of a different political party from the clerk, if such an one can be found) shall proceed to open said returns and make abstracts of the votes in the following manner: An abstract of votes for presidential electors, state officers, justices of the supreme court, representatives in congress and district judge shall be on one sheet, and an abstract of votes for members of the senate and house of representatives shall be on another sheet, and an abstract of the votes for county and precinct officers shall be on another sheet, which abstracts shall show in detail the number of votes cast in each and every precinct, for each one of the candidates for the hereinbefore mentioned offices, the total number of ballots received by the county clerk from electors who were absent from their respective precincts on election day and who cast their ballots in accordance with the provisions of Sections 2093, 2094 and 2095, Wyoming Compiled Statutes, 1910, and amendments thereto, the number of such ballots from absent electors which were counted for, and made a part of the total number of votes cast in, each and every precinct, and the total number of votes cast for each of the said candidates, and each of which abstracts shall be signed by the county clerk and the two justices; and the county clerk shall immediately make out a certificate of election to each of the persons having the highest number of votes for county and precinct offices, respectively, and deliver such certificate to the person entitled to it on his making application for the same to the clerk at his office. [Chapter 103, Session Laws, 1913.]

§ 2244. All returns shall be counted by canvassing board. In canvassing the returns the vote of every precinct returned within fifteen days after the election to the county clerk shall be counted and the canvassers shall not throw out the vote of any precinct so returned. [L. 1890, ch. 80, § 138; R. S. 1899, § 348.]

State v. Barber, 4 Wyo. 56, 32 Pac. 14; Board of Carbon Co. v. State, 17 Wyo. 394, 99 Pac. 1116.

§ 2245. Certificate of election returns by county clerk to secretary of state. The county clerk immediately after making out abstracts of the votes given in his county, shall make a copy of such abstract and transmit the same by mail or by some proper person to the office of the secretary of state, and it shall be the duty of the county clerk to certify that such copy of the abstract of votes is a full, true and correct copy of the abstract of the returns of all votes cast in the county, and when the returns are opened and the abstracts of the votes are made before fifteen days have elapsed, the county clerk shall certify that the returns from each and every precinct have been received and have been counted and are embodied in such abstract. [L. 1890, ch. 80, § 139; R. S. 1899, § 349.]

§ 2246. Messenger from secretary of state to secure election returns. If the returns of the election of any county shall not be received at the office of the secretary of state within thirty days after the election, the secretary shall forthwith send a messenger to the county clerk of such county whose duty it shall be to furnish such messenger with a copy of the abstract aforesaid, and the said messenger shall be paid out of the

state treasury the sum of three dollars per day for each day necessarily employed, and fifteen cents per mile for each mile he shall necessarily travel in going to and returning from the office of said clerk. [L. 1890, ch. 80, § 140; R. S. 1899, § 350.]

State v. Chatterton, 12 Wyo. 170, 73 Pac. 961.

§ 2247. State canvassing board—Notice of election. The secretary, auditor and treasurer of the state, or any two of them, in the presence of the governor, shall proceed within thirty days after the election, and sooner if all the returns be received, to canvass the vote for presidential electors, state officers, justices of the supreme court, representative in congress, district judges and all members of the senate and house of representatives; shall compare the results of such canvass with the returns of the election as received from the judges and clerks of the election, as provided in Section 2236, which returns shall be opened and tabulated by the secretary of state as soon as received; and shall make and file in the office of the secretary of state a certificate signed by them and containing a statement of the votes so canvassed and the result thereof. The governor shall then give a certificate of election to each of the persons having the highest number of votes for each office. [Chapter 103, Session Laws, 1913.]

CHAPTER 152.

ELECTION CONTESTS.

§ 2248. Legislature shall determine contest of members. The senate and house of representatives shall respectively hear, and determine contests of the election of any of their respective members. [L. 1890, ch. 80, § 144; R. S. 1899, § 352.]

§ 2249. District court shall determine election contests in counties. The district court of each county shall hear and determine contests of the election of all county, precinct and municipal officers in that county, and all contests relating to the removal of county seats or relating to any other subject which may be submitted to the vote of the electors of such county. [L. 1890, ch. 80, § 145; R. S. 1899, § 353.]

§ 2250. Who may contest election of legislator. The election of any member declared duly elected to a seat in the senate or house of representatives may be contested by any qualified voter of the county or district to be represented by such member of the senate or house of representatives. [L. 1890, ch. 80, § 146; R. S. 1899, § 354.]

§ 2251. Notice of legislative contests. The contestants shall, within thirty days after the result of the election shall have been determined, serve on the person whose election he will contest, a notice of his intention to contest such election expressing the points on which the same will be contested, and shall also on or before the next session of the legislature, deliver a copy of such notice to the secretary of state, and in case the person whose election is contested is absent from the county of his residence, or cannot be found therein, service may be had by leaving a copy of such notice at his last or usual place of residence with some person of suitable age and discretion. [L. 1890, ch. 80, § 147; R. S. 1899, § 355.]

§ 2252. Notice of taking deposition in legislative contests. Whenever a notice shall have been given of intention to contest an election as provided in the next preceding section, either party may proceed to take testimony of any witness before any officer authorized to take and certify depositions on giving to the adverse party or his attorney ten days' notice

of the time and place of taking the same, and one day in addition thereto, Sunday excluded, for every fifty miles travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five days' notice shall be sufficient. [L. 1890, ch. 80, § 148; R. S. 1899, § 356.]

§ 2253. Enforcing the production of evidence and attendance of witnesses. The officer before whom depositions are taken shall have the power to compel the production of papers and the attendance of witnesses and the same proceedings may be had to compel the attendance of witnesses as are provided in the cases of taking depositions to be used in the district courts. [L. 1890, ch. 80, § 149; R. S. 1899, § 357.]

§ 2254. Manner of certifying and transmitting depositions. A copy of the notice to take depositions with proof of the service thereof together with the depositions shall be sealed up and transmitted by mail or otherwise to the secretary of state with an endorsement thereon showing the names of the contesting parties, the office contested, and the nature of the papers. [L. 1890, ch. 80, § 150; R. S. 1899, § 358.]

§ 2255. Notice of contest to legislature. The secretary of state shall deliver the copy of the notice deposited with him by the contestant and the depositions unopened to the presiding officer of the branch of the legislature to which the contest relates, on or before the second day of its session next after the receipt of the same, and the presiding officer shall immediately give notice to his house that such papers are in his possession. [L. 1890, ch. 80, § 151; R. S. 1899, § 359.]

§ 2256. Legislature may procure all evidence. Nothing in this chapter contained shall be construed to abridge the right of either house of the legislature to grant commissions to take depositions or to send for and examine any witness it may desire to hear on such trial or to declare the right of membership to their respective houses. [L. 1890, ch. 80, § 152; R. S. 1899, § 360.]

§ 2257. Who may contest election of county and other officers. The election of any person declared elected to any office other than member of the senate or house of representatives may be contested by any elector of the county, town or precinct, ward or city, for which the person is declared elected. [L. 1890, ch. 80, § 153; R. S. 1899, § 361.]

§ 2258. Petition to contest election of county and other officers. The person desiring to contest such election shall, within thirty days after the person whose election is contested is declared elected, file with the clerk of the district court of that county a petition in writing setting forth the points on which he will contest the election, which petition shall be verified by affidavit of the party bringing such contest, as in pleadings in the district court. [L. 1890, ch. 80, § 154; R. S. 1899, § 362.]

Sawin v. Pease, 6 Wyo. 101, 42 Pac. 750.

§ 2259. Notice of contest of election of county and other officers. Upon the filing of such petition summons shall issue against the person whose office is contested and he may be served with process or notified to appear, in the same manner as is provided in civil actions in the district court. [L. 1890, ch. 80, § 155; R. S. 1899, § 363.]

Sawin v. Pease, 6 Wyo. 101, 42 Pac. 750.

§ 2260. Evidence in contest cases—How taken. Evidence may be taken in the same manner and upon like notice as in civil actions in dis-

trict court, and such cases shall be tried in like manner as in civil actions. [L. 1890, ch. 80, § 156; R. S. 1899, § 364.]

Sawin v. Pease, 6 Wyo. 101, 42 Pac. 750.

§ 2261. Contest in questions submitted to electors—Procedure. Any five electors of the county, city or town, may contest an election upon any subject which may by law be submitted to a vote of the people of the county, city or town, upon filing in the district court of the county within thirty days after the result of the election shall have been determined, a petition in like form as in other cases of contested elections in the district court. The county, city or town, as the case may be, shall be made defendant, and process shall be served as in civil actions against the county, and like proceedings shall be had as in other cases of contested elections before such court. [L. 1890, ch. 80, § 157; R. S. 1899, § 365.]

§ 2262. When electors may defend contest. In case the county, city or town board shall fail or refuse to defend such contest, the court shall allow any one or more electors of the county, town or city, to appear and defend, in which case the electors so defending shall be liable for the costs in case the judgment of the court shall be in favor of the contestants. [L. 1890, ch. 80, § 158; R. S. 1899, § 366.]

§ 2263. Contest settled by court. The judgment of the court in cases of contested elections shall confirm or annul the election, according to the right of the matter, or in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected. [L. 1890, ch. 80, § 159; R. S. 1899, § 367.]

§ 2264. Tie vote—New election. If it appears that two or more persons have received, or would have received, if the legal number of ballots cast, or intended to be cast for them had been counted, the highest and equal number of votes for the same office, it shall be declared that there has been no choice, and a new election shall be had as in other cases of vacancy in public office. [L. 1891, ch. 100, § 23; R. S. 1899, § 368.]

§ 2265. Procedure in case of tie vote for county office. When it shall appear upon the official canvass of any vote cast at any general election, that two or more persons have each received the highest and equal number of the votes cast at such election, for that office, and the office to be filled be a county office, then the board of county commissioners shall meet before the first day of January next succeeding such election, and determine by vote of such commissioners, which of the persons having such tie vote shall be declared elected, and such vote of the board of county commissioners shall be made a matter of record by the county clerk, and he shall issue to the person so elected a certificate of his or her election. [L. 1895, ch. 112, § 1; R. S. 1899, § 369.]

§ 2266. Procedure in case of tie vote for state officer. When upon the official canvass of any vote cast at any general election for a state officer, it shall appear that two or more persons having received an equal and highest number of votes cast for that office, it shall be the duty of the state legislature, convening in the January next succeeding such election, to meet in joint session of the senate and house of representatives upon the first day of the session thereof, or as soon thereafter as both houses shall be duly organized, and determine the tie vote, by vote in the manner provided for the election of United States senators, and the result shall be certified to the secretary of state by the president of the state senate, who shall preside at such joint session. And it shall be the duty of the secre-

tary of state to issue to the person so chosen a certificate of his or her election. [L. 1895, ch. 112, § 2; R. S. 1899, § 370.]

State v. Brooks, 14 Wyo. 412, 84 Pac. 488, 6 L. R. A. (N. S.) 750.

§ 2267. **Duty of court in case of tie vote.** If it shall appear upon any contested election in any court of this state, that two or more persons have received an equal and higher number of legal votes cast for that office, it shall be the duty of such court to refer the decision of the matter to either the board of county commissioners or the state legislature for action therein, as provided in the two preceding sections. [L. 1895, ch. 112, § 3; R. S. 1899, § 371.]

§ 2268. **Effect of certified copy of judgment of court.** A certified copy of the judgment of the court shall have the same effect as to the result of the election as if it had been so declared by the canvassers. [L. 1890, ch. 80, § 161; R. S. 1899, § 372.]

§ 2269. **When election of candidate declared void.** When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualifications on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void. [L. 1890, ch. 80, § 162; R. S. 1899, § 373.]

§ 2270. **Appeals to supreme court in contested election cases.** All cases of contested elections in the district courts may be taken to the supreme court in the same manner and upon like conditions as is provided in the case of civil actions. [L. 1890, ch. 80, § 163; R. S. 1899, § 374.]

CHAPTER 153.

GENERAL PROVISIONS.

§ 2271. **General application of election law.** The penalties and other provisions of law with reference to elections and the returns thereof held in incorporated cities and towns and precincts located on the line of any railroad, shall apply to elections held in precincts outside of said incorporated cities and towns so far as the same shall be applicable. [L. 1890, ch. 80, § 31; R. S. 1899, § 375.]

§ 2272. **Form of oath required.** Whenever an oath is required by the provisions of the election laws, the elector shall swear according to the form of his religious faith or belief, or affirm under the pains and penalties of perjury. [L. 1890, ch. 80, § 34; R. S. 1899, § 376.]

§ 2273. **Qualifications of office-holders.** No person shall be eligible to any office who, at the time he is chosen and during his incumbency therein, is not a qualified elector and an actual resident of the district, county, town, ward or precinct, as the case may be, in which he holds such office. [L. 1890, ch. 80, § 6; R. S. 1899, § 377.]

§ 2274. **Woman suffrage.** When they possess the other qualifications of an elector, the rights of women to the elective franchise and to hold office shall be the same as those of men. [L. 1890, ch. 80, § 7; R. S. 1899, § 378.]

§ 2275. **Persons disqualified from voting or holding office.** The following persons shall not vote or hold office: One who is under guardianship, one who is non compos mentis, one who has been within Wyoming convicted of any felony, unless restored to civil rights by pardon, one who

has made or become, either directly or indirectly, interested in any bet or wager depending upon the result of the election at which he or she shall offer to vote. [L. 1890, ch. 80, § 8; R. S. 1899, § 379.]

§ 2276. Resignation of elective offices. Resignation of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment or to order an election to fill such vacancy. [L. 1890, ch. 80, § 43; R. S. 1899, § 380.]

§ 2277. Vacancies in elective offices—How made. Every elective office shall become vacant on the happening of either of the following events to the incumbent before the end of his term of office:

1. His death.
2. His resignation.
3. His becoming insane or non compos mentis.
4. His ceasing to be an inhabitant of the state, or if the office is local, his ceasing to be an inhabitant of the district, town, ward, or precinct for which he was elected.
5. His conviction of an infamous crime or of any offense involving a violation of official oath.
6. His removal from office.
7. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.
8. The decision of a competent tribunal declaring his election void.

[L. 1890, ch. 80, § 45; R. S. 1899, § 381.]

State v. Henderson, 4 Wyo. 535, 35 Pac. 517, 23 L. R. A. 751; Ballentyne v. Bower, 17 Wyo. 356, 99 Pac. 869.

§ 2278. Publication election proceedings by county commissioners. The county commissioners and county clerks of the several counties shall cause to be made full and minute entries of all proceedings had under the election laws and to cause full copies of such proceedings and appointments of registry agents, judges, etc., to be published in a newspaper published within their respective counties as soon after their adjournment as is practicable, and the county clerks of the several counties shall immediately notify, in writing, the registry agents of their appointment. [L. 1890, ch. 80, § 39; R. S. 1899, § 382.]

§ 2279. County clerk to furnish city clerk list of voters. The clerk of each county shall supply each clerk of a municipality with a certified and full and complete list of all voters registered within the said municipality as last returned by the registry agents, upon the request of the clerk of said municipality, and within three days after such request. The county clerk shall receive therefor no fee; Provided, however, The clerk of such municipality shall not make such request unless an election in the municipality will occur within thirty days. [L. 1890, ch. 80, § 176; R. S. 1899, § 383.]

§ 2280. Printing—Election laws. The secretary of state shall, in each general election year, not later than the first day of July of said year, cause to be printed and distributed among the several boards of county commissioners, not to exceed two thousand copies of the then existing election laws of this state. [L. 1897, ch. 53, § 23; R. S. 1899, § 384; L. 1901, ch. 24, § 1; L. 1909, ch. 69, § 1.]

NOTE—See Sec. 43, Chap. 23, Session Laws, 1911.

§ 2281. Distribution of election laws. The boards of county commissioners receiving printed copies of the election laws, shall provide the

judges of each voting precinct with a copy thereof at each election. [L. 1890, ch. 80, § 181; R. S. 1899, § 385.]

§ 2282. Meaning of term municipal. The term "municipal" and "municipalities" herein used shall mean and refer to incorporated cities and towns. [L. 1890, ch. 80, § 178; R. S. 1899, § 386.]

§ 2283. Application of general election laws. The general election laws shall, as far as possible, apply to all incorporated cities and small towns, except as to the canvass of the votes, which canvass may be provided for by ordinance, but if not so provided for, the provisions of the general election laws, shall prevail. But at no election whatsoever held under the laws of Wyoming shall it be necessary for any elector to pay poll tax to entitle such elector to vote. When the charter or law relating to any city or town shall indicate a different procedure than herein set forth, the provisions of the general election law shall prevail, and the charter or law relating to such city or town shall not be followed. When the general election laws do not fully provide for the conduct of election, in any city or town, such city or town may, by ordinance, not inconsistent herewith, provide for a complete election and canvass thereof. [L. 1890, ch. 80, § 177; R. S. 1899, § 387.]

§ 2284. Where elector must vote. No one shall be permitted to vote in any polling precinct other than the one of which he is at the time an actual resident. [L. 1897, ch. 53, § 25; R. S. 1899, § 388.]

CHAPTER 154.

MUNICIPAL ELECTIONS.

§ 2285. Proclamation for. The mayor or other chief officer, of each incorporated city or town shall, not less than thirty days before an election therein, if possible, make a proclamation which shall be published at least one time in an official newspaper of the city, setting forth the fact that on a certain date, naming it, a municipal election will take place for the election of officers, naming the offices to be filled at such election. Such proclamation shall be signed by the mayor or other chief officer, and attested by the clerk of the municipality. [L. 1890-91, ch. 17, § 1; R. S. 1899, § 389.]

§ 2286. Designation of polling place. The mayor or other chief officer of an incorporated city or town, together with its council or board of trustees, may designate and establish such polling places or booths within the precincts established by the county commissioners as the officers of such incorporated city or town may deem fit. Such polling places or booths to be erected or constructed in the manner prescribed by law, at the expense of such incorporated city or town. [L. 1890-91, ch. 17, § 2; R. S. 1899, § 390.]

§ 2287. Notice to county commissioners. The clerk of each incorporated city or town shall, not less than thirty days before an election, notify the board of county commissioners in writing, of the day of the next municipal election, whether the same be a regular or special one, whereupon the county commissioners shall at once notify the regularly appointed registry agents for the district embraced within such city or town, to appear at the lawfully designated place of registry on the third Tuesday preceding such election, and to proceed to register all citizens who appear, claim the right, and are qualified to register, and who by

reason of not being registered, would be disqualified from voting at such election. [L. 1890-91, ch. 17, § 3; R. S. 1899, § 391.]

NOTE—See general town incorporation laws as to when prior registration is not required.—Compiler.

§ 2288. Duty of registry agents. Such registry agents shall thereupon post notices of the registration of electors in the manner provided by law for giving notice of registration before regular county elections. [L. 1890-91, ch. 17, § 4; R. S. 1899, § 392.]

§ 2289. Registry agents shall meet when. On the day appointed for registry as aforesaid, such registry agents shall meet and proceed to register all qualified electors in the manner prescribed by law. Such registry agents shall keep the same hours and observe all the requirements of the statute the same as during regular registration periods. [L. 1890-91, ch. 17, § 5; R. S. 1899, § 393.]

§ 2290. Post list of electors registered. At the end of the first meeting, the registry agents shall prepare and certify lists of persons who have registered, shall file the same in the office of the county clerk and the clerk of the municipality, and post the same in the manner provided by law. [L. 1890-91, ch. 17, § 6; R. S. 1899, § 394.]

§ 2291. Meetings of registry agents—Length of. Such registry agents shall meet for three consecutive days, and then shall adjourn for one week, and then they shall meet for one day for the purpose of revising, correcting and completing such registry lists and the registration of such qualified electors who have not theretofore registered. [L. 1890-91, ch. 17, § 7; R. S. 1899, § 395.]

§ 2292. Certificate of registry lists—To whom. When the registry agents shall have completed the registration as aforesaid, they shall prepare and certify lists and deliver copies thereof to the county clerk and the clerk of the municipality in the manner provided by law. [L. 1890-91, ch. 17, § 8; R. S. 1899, § 396.]

§ 2293. Posting registry lists. The county clerk and the clerk of the municipality shall post such lists in the manner provided by law. [L. 1890-91, ch. 17, § 9; R. S. 1899, § 397.]

§ 2294. Duty of county clerk. The county clerk, upon the request of the clerk of the incorporated city or town, shall prepare and deliver to such clerk of the incorporated city or town, a registry list containing, in alphabetical order, and divided into precincts, complete lists of all the regularly registered and properly qualified electors who could vote at the ensuing city or town election, as shown by the registry lists in his office. [L. 1890-91, ch. 17, § 10; R. S. 1899, § 398.]

§ 2295. Expense by whom paid. The city or town asking for such lists through its clerk shall reimburse the county clerk for all expenses incurred in procuring material and assistance necessary in furnishing such registry lists. Such expenses shall be paid after such service is rendered, in the same manner that the other claims against an incorporated city or town are paid. [L. 1890-91, ch. 17, § 11; R. S. 1899, § 399.]

§ 2296. Duty of city clerk. The clerk of the incorporated city or town upon receipt of such registry lists, shall prepare one list for each election precinct. He shall furnish a judge in each precinct with a certified list of the qualified voters in each precinct as such lists are ob-

tained from the registry lists furnished such clerk of a city or town by the county clerk. [L. 1890-91, ch. 17, § 12; R. S. 1899, § 400.]

§ 2297. Who entitled to vote. All persons who have registered either during the registration period immediately preceding the said city or town election, or who have registered less than two years before such election during a regular registration period for county elections, and who would be qualified at that time to vote at a county election in a precinct, shall be entitled to vote at such city or town election in the precinct in which they are registered; provided, that such electors have been actual residents of the incorporated city or town in which they offer to vote for ten days next preceding the said city or town election. [Chapter 60, Session Laws, 1911.]

§ 2298. Where entitled to vote. Any elector who registered previous to such city or town election shall be entitled to vote in any election precinct in which they are registered until the next regular period for registration before a county election; Provided, That in county elections they shall be actual residents of the county, and in municipal elections, of the incorporated city or town in which they offer to vote. [L. 1890-91, ch. 17, § 14; R. S. 1899, § 402.]

§ 2299. City to pay registry agents. The incorporated city or town for which the registration provided for in this chapter is held, shall pay the salary of the registration agents, and all their fees and expenses for services rendered in registering before such election, as provided by law. [L. 1890-91, ch. 17, § 15; R. S. 1899, § 403.]

§ 2300. Appointment of judges and clerks. The mayor or other chief officer of an incorporated city or town in which a municipal election is held, shall, by and with the advice of its council or trustees, appoint the judges and clerks of election for such election, under the same restrictions and qualifications, as those required for regular elections. [L. 1890-91, ch. 17, § 16; R. S. 1899, § 404.]

§ 2301. City to pay judges and clerks. The incorporated city or town appointing such judges and clerks shall pay their salary and expenses at the same rate as prescribed by law for similar duties in regular county elections. [L. 1890-91, ch. 17, § 17; R. S. 1899, § 405.]

§ 2302. Application of general election law. The provisions of law for general elections shall apply as far as possible to the registration and election. Whenever the procedure of conducting municipal elections is not fully provided for by law, it may be supplemented by ordinance of the incorporated city or town, in which an election is held, and the canvass and return of such elections shall be prescribed by the ordinances of such incorporated cities or towns. [L. 1890-91, ch. 17, § 18; R. S. 1899, § 406.]

CHAPTER 155.

ELECTION OFFENSES.

§ 2303. Election officers failing to perform duty. Any registry agent, judge or clerk of election, or any other election officer, or any other officer or person upon whom any duty is imposed by the election laws of this state, who shall wilfully neglect or omit to perform any duties so imposed, shall be fined not more than two thousand dollars and not less than one hundred dollars or imprisoned in the penitentiary not more than five years, or both. [L. 1890, ch. 80, § 165; R. S. 1899, § 407.]

§ 2304. Doing prohibited act. Any registry agent or judge or clerk of election, or any other election officer, or any officer or person, who shall do or perform any act or acts prohibited by the election laws of this state, shall be fined not more than two thousand dollars and not less than one hundred dollars, or be imprisoned in the penitentiary not more than five years, or both. [L. 1890, ch. 80, § 165; R. S. 1899, § 408.]

§ 2305. Mutilating registry and poll books. Any person who shall mutilate or erase any name, figure or word in any poll book, taken or kept at any election; or shall take away any such poll book from the place where it has been deposited for safe keeping, with intent to destroy, mutilate, change or injure the same, or to procure or prevent the election of any person; or shall destroy any poll book kept at any election, shall be fined not more than five hundred dollars, and imprisoned in the county jail, not more than one year. [L. 1890, ch. 80, § 166; R. S. 1899, § 409.]

§ 2306. Penalty for corrupt swearing before registry agent. All wilful, corrupt and false swearing or affirming before any registry agent shall be the crime of perjury and shall be punished as such. [L. 1890, ch. 80, § 167; R. S. 1899, § 410.]

§ 2307. Penalty registration officers. Any registry agent or other person who in any manner shall wilfully or corruptly permit any person not entitled to registration or to a certificate of registration to be registered or have a certificate of registration, or who delays or fails to deliver the certified copies of the official register and check list to the judges of election as required by law, or who permits any person to register after the date on which the registration books close, or who shall otherwise or wilfully or corruptly violate any of the provisions of law relating to elections, the penalty for which is not otherwise specially prescribed, shall be punished for each and every offense by imprisonment in the penitentiary for a term of not less than one year nor more than five years, or by a fine of not less than one hundred nor more than two thousand dollars, or by both. [L. 1890, ch. 80, § 168; R. S. 1899, § 411.]

§ 2308. Penalty for false registration. Any person who shall wilfully cause or endeavor to cause his name to be registered in any other election district than that in which he resides or will reside prior to the day of the next ensuing election, except as herein otherwise provided, and any person who shall cause or endeavor to cause his name to be registered, knowing that he is not a qualified elector and will not be a qualified elector on or before the day of the next ensuing election, in the election district in which he causes or endeavors to cause such registry to be made, and any person who shall induce, aid or abet any one in the commission of either of the acts in this section enumerated and described, shall be fined not less than fifty dollars nor more than five hundred dollars, or be confined in the county jail for not less than one month nor more than six months, or both. [L. 1890, ch. 80, § 169; R. S. 1899, § 412.]

§ 2309. Penalty—Defacing registry lists. Any person who shall take down, tear down or deface any officially posted registry list, shall be guilty of a misdemeanor, and shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days or more than ninety days, or by both. [L. 1890, ch. 80, § 169; R. S. 1899, § 413.]

§ 2310. Penalty—Certificate of nomination—Ballots. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal or sign any such certificate or paper contrary to the provisions of the election laws of this state, or who shall file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or who shall suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or who shall forge or falsely make the official endorsement on any ballot, or who shall wilfully destroy or deface any ballot, or who shall wilfully delay the delivery of any ballots, shall be fined not exceeding one thousand dolars or be imprisoned in the county jail not more than one year, or both. [L. 1890, ch. 80, § 170; R. S. 1899, § 414.]

§ 2311. Penalty—Interfering with election conveniences—Preventing others voting. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of the election laws, or who, during an election, shall wilfully deface, tear down, remove or destroy any of the supplies or conveniences furnished to enable an elector to prepare his ballot, or who shall wilfully hinder the voting of others, shall be fined not less than twenty-five dollars nor more than one hundred dollars. [L. 1890, ch. 80, § 171; R. S. 1899, § 415.]

§ 2312. Penalty—Putting placards in booths for electioneering purposes. Any person or officer of election who shall put or permit to be put into a voting booth any placard, notice or device except the sample ballots and cards of instruction as provided by law, intended or likely to call the attention of the voter to any candidate, or to urge the voter to vote for any particular candidate, or shall put or allow anything to be put into such booths for the use or comfort of the voter whereby the claims of any candidate are urged upon the voter, either directly or indirectly, shall be imprisoned in the county jail not to exceed three months, or fined not to exceed five hundred dollars or both. [L. 1890, ch. 80, § 172; R. S. 1899, § 416.]

§ 2313. Penalty—False swearing concerning qualifications or incapacity to vote. Any person who declares or swears falsely concerning his incapacity to vote at any election without the aid of an election officer, or who swears falsely concerning the qualifications of any person offering to vote, shall be imprisoned in the county jail not to exceed six months, or be fined not to exceed five hundred dollars, or both. [L. 1890, ch. 80, § 173; R. S. 1899, § 417.]

§ 2314. Penalty—Use of intoxicants by officers of election. Any person introducing in any way, upon election day, or during the counting of the ballots, into any place where an election is held, any spirituous or malt liquor, and any judge or clerk of election drinking any such liquor in such place, or being intoxicated therein during such election or counting, shall be imprisoned in the county jail not exceeding six months, or be fined not exceeding five hundred dollars, or both. [L. 1890, ch. 80, § 175; R. S. 1899, § 418.]

§ 2317. Misconduct of electors. Any person who shall solicit, request, demand, take, accept, or receive, either directly or indirectly, from any person, any money, intoxicating liquor, or other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretenses of being used, to secure the vote of any person or persons,

or to be used at any poll, or other place prior to, or on the day of any election, for or against any candidate, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment in the county jail not less than three months nor more than one year, or both, at the discretion of the court, and shall pay the costs of prosecution and stand committed to the county jail until such costs are fully paid. [L. 1909, ch. 56, § 1.]

§ 2319. **Conveyances at polls.** It shall be unlawful to furnish or engage, to pay any money or property for the purpose of procuring the attendance of voters at the polls by any form of conveyance or otherwise, or for the purpose of compensating any person for procuring the attendance of voters at the polls except for the conveyance of voters who are sick or infirm, and any person or persons violating any of the provisions of this section shall on conviction thereof be fined not to exceed two hundred dollars; Provided, That this shall only apply to incorporated cities and towns. [L. 1909, ch. 56, § 3.]

CORRUPT PRACTICES.

[Chapter 41, Session Laws, 1911.]

Section 1. Amount of expenses limited. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate for office, including senators of the United States, as follows: In his campaign for nomination to any public office or position in or from this state in excess of twenty per cent (20%) of one year's compensation or salary of the office for which he is a candidate; in his campaign for election to any office in this state in excess of twenty per cent (20%) of one year's salary or compensation of the office to which he seeks to be elected; Provided, That no candidate shall be restricted to less than one hundred dollars ($100.00) in each of such campaigns, and Provided, further, That the foregoing shall not apply to traveling expenses nor to expenses hereafter specially provided for.

Sec. 2. Itemized statements by candidates. Every candidate for any office to be voted for at any primary, municipal or general election shall, within twenty days after the holding of such primary, municipal or general election, file a true, correct, detailed, sworn statement showing each and all sums of money or other things of value disbursed, expended or promised directly or indirectly by him, and to the best of his knowledge and belief by any other person or persons in his behalf for the purpose of aiding or securing his nomination or election. If the person be a candidate for a municipal or a county office, such statement shall be filed with the county clerk; if for a state office, or any other office to be voted for by the electors of more than one county, such statements shall be filed with the secretary of state. Such statement shall show the dates, amounts and from whom such sums of money or other things of value were received; and the dates, amounts, purposes and to whom paid or disbursed, and shall include the assessment of any person, committee, or organization in charge of the campaign of such candidate.

Sec. 3. Statements by committee chairman. The chairman of each party central committee for the state, district or county, shall file a statement of receipts and expenditures within twenty days after the general election. The chairman of state and district central committees shall file said statements with the secretary of state; and the chairman of county

central committees, with the county clerk. Such statements shall contain all the information required to be filed by candidates as set forth in Section two (2) of this act, and, in addition thereto shall state the amounts or balances remaining on hand. The person filing the same shall make oath that it is a full, true and correct statement.

Sec. 4. Statements by other persons. Every person receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of any candidate or other person or political party or any organization, shall on demand and in any event within twenty days after such receipt, expenditure or incurrence of liability, give such candidate or other person, or the treasurer of the political party or any organization on whose behalf such expense or liability was incurred, detailed account thereof, with proper vouchers. Every payment made in connection with political affairs, as herein contemplated, except payments less in the aggregate than five dollars to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt and account hereby required shall be a part of the accounts and files of such treasurer, candidate or other person, and shall be filed with the proper public officer mentioned in the preceding sections at the time of the filing of the statements, as provided in the two preceding sections. If the amount or value received or expended by any person, as aforesaid, is greater than fifty dollars, such person shall file the itemized account thereof, giving the names, from whom such money or value is received and to whom paid, with receipts or payments attached, as aforesaid, directly with the proper public officer, with whom the same is otherwise to be filed by any candidate or chairman of a political committee or organization, within twenty days after the election in or in connection with which said money or value was expended.

Sec. 5. Statements public. The statements provided for in this act shall be open at all times to the inspection of the public, and remain on file and become a part of the permanent records in the office where filed.

Sec. 6. Inspection by officers. The several officers with whom statements are required to be filed shall inspect all statements of accounts and expenses relating to nominations and elections filed with them within ten days after the same are filed; and if, upon examination, it appears that any person has failed to file a statement as required by law, or, if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a voter that a statement filed does not conform to law, or to the truth, or that any person has failed to file a statement which he is by law required to file, said officer shall forthwith, in writing, notify the delinquent person.

Sec. 7. Action by prosecutor. Upon the failure of any person to file a statement within ten days after receiving notice under the preceding section, or if any statement filed as above discloses any violation of any provision of this act relating to corrupt practices in elections, or in any other provision of the election laws, the secretary of state, the county clerk, or the city clerk, as the case may be, shall forthwith notify the county and prosecuting attorney of the county where said violation occurred, and shall furnish him with copies of all papers relating thereto, and said county and prosecuting attorney shall, in the name of the state, forthwith institute such proceedings as may be appropriate to the facts.

Sec. 8. True record to be kept. Every political committee or organization shall have a treasurer who shall be a voter in this state, and

such committee and the treasurer thereof, and other person receiving or expending money for political purposes of more than fifty dollars in money value, shall keep a true and correct book account thereof. No person shall make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in truth supplies the money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished; Provided, If the money be received from the treasurer of any political organization it shall be sufficient to enter the same as received from said treasurer.

Sec. 9. Services for hire prohibited. No person shall agree to perform any services in the interest of any candidate for office or any political committee or organization in consideration of any money or other valuable thing, or shall accept any money or other valuable thing for such service performed in the interest of any candidate or any political committee or organization, and no person shall pay or offer to pay or give or offer to give money or other valuable things for such services. Nothing herein shall be construed to prohibit any person from making contracts in good faith for the announcement of his candidacy in the newspapers, and for the securing of names of voters required to file preliminary nomination papers and the payment of any reasonable compensation for such services.

Nor shall any provision of this act be construed as relating to the rendering of services by speakers, writers, publishers, or others, for which no compensation is asked or given; nor to prohibit expenditure by committees of political parties or organizations for public speakers, music, halls, lights, literature, advertising, office rent, printing, postage, clerk hire, challengers or watchers at the polls, traveling expenses, telegraphing, telephoning, or the making of poll lists.

Sec. 10. Corporation contributions prohibited. No corporation shall pay or contribute in order to aid, promote or prevent, the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or organization. No person shall solicit or receive such payment or contribution from such corporation.

Sec. 11. Failure to file statements. The name of a candidate chosen at a primary nominating election or otherwise, shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of said candidate the statements of accounts and expenses relating to nominations required by this act, but delay in making any such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on the ballot if there is reasonable time therefor after the receipt of such statements. Any such vacancy on the ballot shall be filled by the proper committee of his political party in the manner authorized by law, but not by the use of the name of the candidate who failed to file such statements. No person shall receive a certificate of election until he shall have filed the statements required by this act.

Sec. 12. Actions in court. The circuit court of the county in which any statement of accounts and expenses relating to nominations and elections should be filed, unless herein otherwise provided, shall have exclusive original jurisdiction of all violations of this act, and may compel any person who fails to file such a statement as required by this act, or who files a statement which does not conform to the provisions of this act

in respect to its truth, sufficiency in detail, or otherwise, to file a sufficient statement, and may declare void the selection or election of any candidate or person at any primary or general election, for violation by such person of any provisions of this act, upon the application of the county and prosecuting attorney, or any voter; Provided, however, That the petition therefor shall be filed within sixty days after the election, primary or general, at or in connection with which the violations occurred; Provided, further, That in such action all trivial charges shall be disregarded, and the violations shall appear to have been knowingly and wilful; and, Provided, further, That this section shall not be construed to apply to any contest before the legislature.

Sec. 13. Actions—Vacancy. It shall be the duty of the county and prosecuting attorney who has received information of the violations of any provisions of this act, which are to be prosecuted in his county, to commence an action or prosecution therefor. And any action brought under this act shall have preference on the docket of any court of the state in which the same shall be pending over all other civil actions whatever. Any vacancy occurring in any position or office by the judgment of any court, as herein contemplated, shall be filled as other vacancies in other position or office.

Sec. 14. Incrimination of witnesses. In prosecutions under this act, no witness shall be excused from giving testimony on the ground that his testimony would tend to render him criminally liable or expose him to public ignominy, but any matter so elicited shall not be used against him, and said witnesses shall not be prosecuted for any crime connected with or growing out of the act on which the prosecution is based in the cause in which his evidence is used for the state, under the provisions of this section.

Sec. 15. Penalties. Any person violating any provisions of this act or failing to perform the duty herein upon him enjoined, at the time and in the manner herein specified, or who wilfully makes any false entries in the books herein provided to be kept, or who wilfully makes any false statements in the accounts and statements herein required to be filed, shall be deemed guilty of a misdemeanor, and, upon conviction therof, shall be punished by a fine of not more than one thousand dollars, or imprisonment in the county jail of not more than one year, or by both such fine and imprisonment.

Sec. 16. Political committee defined. The terms "political committee" and "political party" shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle, and the provisions of law relating thereto shall apply to any firm or partnership, to any corporation, and to any club, organization, association, or other combination of persons, whether incorporated or not, with similar purposes, whether primary or incidental.

Sec. 17. Primary candidates may have pamphlets printed. Any candidate, and unless he notifies the secretary of state that he refuses them permission, the friends of any candidate for nomination to any state office, may file with the secretary of state, for publication as herein provided, not later than the thirty-third day before the biennial primary nomination election, with his portrait cut, if he wishes, a printed or typewriteen statement or statements, on the conditions hereinafter set forth, over his or their signatures, stating the reasons why he should be nominated; Pro-

vided, That no candidate, nor his friends, shall be allowed to file any such statements, unless his petition for nomination is duly filed with the secretary of state. Any person or persons opposing the nominations of any such candidate may, not later than the thirtieth day before said nominating election, file with the secretary of state their printed or typewritten statements over their signatures, of the reason why such candidate should not be nominated, but every such statement shall be accompanied by proof, by affidavit or sheriff's return, that they have caused to be served personally and in person, upon such candidate, a true copy of such statement. Each candidate shall be allowed one page of printed matter, and those opposing him shall each be allowed one page of space on equal terms with him, as hereinafter provided. Nothing in this law shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty, because of any false, slanderous or libelous statements offered for printing, or contained in said pamphlet. The person or persons procuring, making, composing or offering such statement for filing, shall be deemed the authors and publishers thereof.

Sec. 18. Amount of fee required. Candidates for nomination shall pay for one page of space, or part thereof, in the publication herein provided for, as follows: For the office of United States senator in congress, two hundred dollars; for representative in congress, governor of the state and supreme court justices, one hundred and fifty dollars; for all other state officers, one hundred dollars. For all other space, one hundred dollars per page, or part thereof, shall be paid. Any candidate may have additional space at the rate of one hundred dollars per page, but no payment shall be received for less than a full page; Provided, That no more than three additional pages shall be allowed to any one candidate. All payments required by this section shall be made to the secretary of state when the statement is offered to him for filing, and be paid by him into the general fund in the state treasury.

Sec. 19. Arranging primary pamphlets. Not later than the twenty-eighth day before the primary nominating election, the secretary of state shall cause to be printed all of such statements and portrait cuts, properly compiled, edited, prepared and indexed for printing; it shall be the duty to print and bind the same in pamphlet form, printing the pictures of candidates with, and as part of their several statements, where such portrait cuts are offered; statements of those who directly oppose any candidate shall follow next after his statement. All of the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which candidates' names are grouped under the title of their offices on the official ballot at the nominating election. In preparing said pamphlets for printing, the secretary of state shall compile the copy for the same in such form as to make it most convenient to print and bind under one cover, separately for each political party, the statements of candidates to be voted for by members of that party; said pamphlets shall be printed and bound as aforesaid as quickly as possible, and shall be delivered to said secretary of state not later than the twentieth day before the primary nominating election.

Sec. 20. Mailing primary lists—Preparing them. The several county clerks shall make lists of the postoffice address of each voter and his party affiliation, obtained from the last registration or election poll lists, and from sworn statements furnished by the chairman of the several central committees in each county, and from such other sources as may be avail-

able, and shall mail a certified copy of such lists to the secretary of state at least twenty days prior to the biennial primary election, and revise and complete said lists and mail a certified copy thereof to the secretary of state at least twenty days preceding any general election. At least ten days before the regular biennial primary nominating election, the secretary of state shall forward by mail to every voter who is registered as a member of one of the several political parties, required to nominate their candidate at such nominating election, a copy of the pamphlet of his political party, containing the names and statements herein provided for. The pages of the pamphlets required by this act shall be six by nine inches in size, and the printed matter therein shall be set at eight point, Roman faced type, single leaded, and twenty-five ems pica in width, with proper heads. In the foot margin of every page of the party pamphlets for nominating election shall be shown the authority for the information therein, as "This information, furnished by (name of candidate or name of his friends or opponents)," as the case may be. In the foot margin of every page of the pamphlet herein provided for the general election shall be shown the authority for the statements thereof, as "This information furnished by (title of committee or managing agent of the political party or name of the independent candidate)," as the case may be.

Sec. 21. Mailing election pamphlets. Not later than the thirtieth day before the regular biennial general election, the state executive committee or managing officers of any political party or organization having nominated candidates, but no others except independent candidates, may file with the secretary of state portrait cuts of its candidates and typewritten statements and arguments for the success of its principles and the election of its candidates, and opposing or attacking the principles and candidates of all other parties. Not later than the twenty-eighth day before said general election the secretary of state shall deliver to the printer properly compiled and prepared for printing, the said portrait cuts, statements and arguments, with an order for the number of pamphlet copies of the same necessary to supply one, at least complete as to the candidates to be voted for. To every registered voter within the State of Wyoming the printer shall begin delivering said pamphlets to the secretary of state as soon as possible, and shall complete the same within ten days. The secretary of state shall begin mailing the pamphlets to the voters of the state as soon as they are delivered to him, and shall complete the mailing on or before the tenth day before said general election.

Sec. 22. Fee for election pamphlets. All the portrait cuts, statements and arguments of all the political parties and independent candidates shall be bound together in one pamphlet, and no party shall have more than twenty-four pages, nor an independent candidate more than two pages therein. The political parties and independents shall pay to the secretary of state for the public treasury for said pamphlet at the time of filing their copy with him, at the rate of fifty dollars for each printed page of space in said pamphlet used by such party or independent candidate.

Sec. 23. Letting to lowest bidder—Appropriation. The secretary of state shall let the printing of the pamphlet herein provided for to the lowest and best bidder in the same manner as in other cases. A sufficient amount of money is hereby appropriated out of the treasury, not otherwise appropriated to carry into effect the provisions of the foregoing six sections of this act.

Approved February 17th, 1911.

§ 3431. Unlawful to discharge employe—When. Any company, corporation or individual, who shall discharge or cause to leave his or her or their employ, temporarily or permanently, any person or persons because they have been nominated as a candidate for any position of honor, trust or emolument, to be voted for at any election held in pursuance of the laws of this state; or any person, agent or officer of any company or corporation who shall cause or attempt to cause any person or persons nominated as candidates at any election, to withdraw or refrain from accepting such nomination by threatening loss of employment, business or patronage, if they accept such candidacy, or shall make it a condition of employment, business or patronage, that such candidacy shall not be accepted, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars. [L. 1893, ch. 9; R. S. 1899, § 2523.]

§ 5979. Saloons shall be closed on Sunday and election day. Every person or persons, company or corporation, having license to sell liquors under the laws of Wyoming, who shall keep open, or suffer his or their agent or employe to keep open, his or their place of business, or who shall sell, give away or dispose of or permit another to sell, give away or dispose of, on his or their premises, any spirituous, malt, vinous or fermented liquors, or any mixtures of any such liquors, on the first day of the week, commonly called Sunday, or upon any day upon which any general or special election is being held, shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than twenty-five dollars, or more than one hundred dollars, or imprisoned in the county jail not to exceed three months. [L. 1888, ch. 86, § 1; R. S. 1899, § 2643.]

§ 6030. Felon disfranchised. A person sentenced to the penitentiary for a felony, when sentence has not been reversed or annulled, is incompetent to be an elector or juror, or to hold any office of honor, trust or profit within this state, unless he shall have received a pardon; but no pardon shall release a convict from the costs of his conviction unless so stated therein. [L. 1890, ch. 73, § 4; R. S. 1899, § 5192.]

§ 6173. Sufficiency of indictment for election offense. When any offense shall be committed in relation to any election, an indictment for such offense shall be deemed sufficient if it allege that such election was authorized by law, without stating the names of the officers holding the election, or the persons voted for, or the offices to be filled at such election. [R. S. 1887, § 3252; R. S. 1899, § 5309.]

§ 3581. Legal holidays. * * * All days upon which general elections are held * * * are hereby declared legal holidays in and for the state of Wyoming.

CONSTITUTIONAL AMENDMENTS.

§ 3594. Official ballots. The manner of submitting and voting upon any proposed constitutional amendment or amendments shall be as follows:

First.—Separate official ballots for that purpose shall be prepared each of which shall include all proposed amendments to be submitted at such election, and no other question. Said ballots shall be prepared and distributed to the proper election officer or officers by the county clerk of each county at the expense of the county at the same time and under the same regulations as to number, color and quality of paper as in the case of regular official ballots containing the names of candidates for public office. At the top of the ballot shall be printed "Proposed Constitutional

Amendments—Official Ballot." If there shall be more than one proposed amendment to be submitted at any election they shall be placed upon the ballot in the order of their number and in such a manner that the electors may vote for or against each of them separately as required by § 2 of Art. XX of the constitution. It shall not be necessary to print any proposed amendment in full upon the ballot, but it shall be sufficient to refer to it by its number and the brief statement of its subject or subjects indorsed upon it by the secretary of state. The language of the submission of any such amendment on such ballot shall be substantially as follows:

"Proposed constitutional amendment, number————, relating to ———— (stating the number and subject). (Yes————.)
(No————.)"

Second.—The elector shall designate by a cross opposite the word "yes" or "no," how he desires to vote. A cross after the word "yes" shall be counted and recorded as a vote in favor of the amendment, and a cross after the word "no" shall be counted and recorded as a vote against the amendment.

Third.—It shall be the duty of the county clerk of each county to provide a separate ballot box for each voting precinct in the county in which shall be deposited the ballots provided for in this section, and such ballot boxes shall be provided and delivered at the expense of the county in the same manner and at the same time as the regular ballot boxes are required to be provided and delivered.

Fourth.—The separate official ballots provided for shall be stamped and indorsed by the proper election officer or officers before being delivered to the voters in the manner provided by law in the case of ballots containing the names of candidates for public office; and it shall be the duty of the proper election officer or officers when delivering to each qualified voter the regular official ballot containing the names of candidates to deliver to him or her one of the ballots herein provided for and to see that the same is returned by such voter and deposited in a separate ballot box provided for that purpose.

Fifth.—The regulations provided by law in case of ballots containing the names of candidates for instructing and assisting voters should so far as applicable apply to the ballots provided for in this section and the votes cast by the electors upon proposed constitutional amendments, and the provisions of law in force at the time relating to spoiled and unused ballots shall apply to the ballots provided for in this section.

Sixth.—The same poll books and tally sheets that are provided for the use and returns of the judges and clerks of election in case of the election of public officers may be used for making the returns of the votes cast upon a proposed constitutional amendment or amendments, and in such case it shall be the duty of the county clerk to cause such poll books and tally sheets to be so prepared as to enable the election officers to make full and complete returns upon the various amendments submitted. The ballots cast upon the amendment or amendments shall be returned by the judges of election to the county clerk separate from the ballots containing the names of candidates, and in the same manner as such last named ballots are required to be returned or delivered to such clerk.

Seventh.—In all other respects the provisions of law in force at the time concerning the conduct of elections shall apply so far as applicable. [L. 1895, ch. 49, § 6; R. S. 1899, § 2704; L. 1909, ch. 22, § 3.]

§ 3595. Result of election—How determined. The result of every such election, with reference to such proposed amendments, shall be de-

termined in all respects in the same manner as results are now, or may be hereafter determined, according to law for state officers. [L. 1895, ch. 49, § 7; R. S. 1899, § 2705.]

State v. Brooks, 17 Wyo. 344, 99 Pac. 874.

COMMISSION GOVERNMENT FOR CITIES.

[Chapter 84, Session Laws, 1911.]

Sec. 1. Provisions apply to. The provisions of this act shall apply to all cities heretofore incorporated under special charter and which have not accepted the provisions of the general laws governing the incorporation of cities, and having a population of ten thousand or more, according to the last census, whether state or federal, preceding the proclamation of the mayor, provided for in section 2 hereof. And the provisions herein shall further apply to cities of the first class, and to cities and towns having a population of not less than seven thousand, according to the last census, state or federal, preceding the proclamation of the mayor, provided for in section 2 hereof.

Sec. 2. Petition of fifteen per cent—Mayor shall submit. Within five days after the filing with the city clerk of a petition of electors equal in number to fifteen per centum of the number of registered electors, the mayor shall by a proclamation, to be published in at least one newspaper in said city for three times, submit the question of accepting the provisions of this act to a special election to be held at a time specified therein not less than thirty days and not more than sixty days after said petition is filed. If the provisions of this act are not accepted at the special election called, the question of accepting said provisions shall not be resubmitted to the voters of said city for adoption within two years thereafter, and then the question to accept shall be resubmitted upon the presentation of a petition signed by electors equal in number to twenty-five per centum of the number of registered electors.

Shall proposition to adopt be accepted? At such election the proposition to be submitted shall be, "Shall the proposition to accept the provisions of (describing this act with amendments, if any, in a general way) for the city of (name of city) be adopted?" and the election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. If the majority of the votes cast shall be in favor thereof, the city shall thereupon proceed to the election of a new mayor and two (2) commissioners as hereinafter provided. Immediately after such proposition is adopted, the mayor shall transmit to the secretary of state and to the county clerk each a certificate stating that such proposition was adopted, which such certificate shall be recorded by said officers in their offices.

After adoption. At the next regular city election, provided for in this act, after the adoption of such proposition, there shall be elected a mayor and two (2) commissioners. In the event, however, that such next election does not occur within one year after such special election, the mayor shall within ten days after such special election, by proclamation, call a special election for the election of mayor and commissioners, sixty days' notice thereof being given in such call; such election in either case to be conducted as hereinafter provided.

Sec. 3. Existing laws shall remain in effect. All laws, now in force and effect, governing such city, and not inconsistent with the provisions

of this act, shall apply to and govern such city after it shall have accepted the provisions of this act. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed by the council elected under the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights, powers and property of every description which were vested in any such city under its former organization, shall vest in the same under the organization herein contemplated, and no right or liability either in favor of or against it existing at the time, and no suit or prosecution of any kind shall be affected by such change, unless otherwise provided for in this act.

Sec. 4. Election—When held—Who elected—Term of office. In every such city there shall be a regular municipal election held on the first Tuesday after the first Monday in November in the first year, including the year 1911, bearing an odd number after the adoption of the provisions of this act and in every second year thereafter, at which such elections there shall be elected a mayor and two (2) commissioners, each of whom shall serve for the term of two years. [Chapter 113, Session Laws, 1913.]

Sec. 5. Candidates shall be nominated by primary. Candidates to be voted for at all municipal elections at which a mayor and commissioners are to be elected under the provisions of this act shall be nominated by primary election, and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Tuesday preceding such municipal election. All such primary elections shall be called by a proclamation of the mayor, stating the time thereof and the offices for which candidates are to be nominated, which proclamation shall be published at least twice in some newspaper published in such city, and the first publication of which notice shall be at least thirty (30) and not more than forty (40) days prior to said primary election, and where there are no newspapers, the clerk shall post the notices continuously for said period in his office. The judges of election appointed for the municipal election shall be the judges of the primary election, and it shall be held at the same place, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for said municipal election. Any person desiring to become a candidate for mayor or commissioner shall, at least ten days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

"State of Wyoming, ...county, ss.

"I, ..., being first duly sworn, say that I reside at.....street, city of....., county of....., state of Wyoming; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or commissioner) to be voted upon at the primary election to be held on the.....Tuesday of....., 19..., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

"(Signed).....

"Subscribed and sworn to (or affirmed) before me by..... on this.....day of....., 19...

"(Signed)....."

and shall at the same time file therewith the petition of at least twenty-five qualified electors of such city requesting such candidacy, which petition shall be in substantially the following form:

"PETITION ACCOMPANYING NOMINATING STATEMENT.

"The undersigned, duly qualified electors of the city of..... and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in such city on the.....Tuesday of....., 19..... We further state that we know him to be a qualified elector of said city and a man of good moral character and qualified in our judgment for the duties of such office.

Names of Qualified Electors	Age	Length of Residence	Street	Number

Immediately upon the expiration of the time of filing the statements and petitions for candidates, the said city clerk shall cause to be published all the names of the persons nominated in proper form as they are to appear upon the primary ballot in three successive issues of all the daily newspapers published in said city, and where there are no newspapers the clerk shall post notices continuously for said period in his said office; at any time prior to five days before such primary election any candidate for nomination may withdraw his candidacy by filing with the city clerk a statement to that effect signed and sworn to by him. The said clerk shall cause the primary ballots to be printed five days before such primary election. Upon the said ballot the names of the candidates for the office of mayor, arranged alphabetically, shall first be placed, with a square at the left of each name and immediately at the left of such squares, a brace including the names of all the candidates for said office shall be placed and printed instructions, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the office of commissioners with a square at the left of each name and at the left of such squares a brace including the names of all the candidates for said offices shall be placed and the printed instruction, "Vote for two." The ballot shall be printed upon plain, substantial white paper, and shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

OFFICIAL PRIMARY BALLOT.

Candidates for nomination for mayor and commissioners of the city of.....at the primary election.

(Date of Primary.)

For Mayor Vote for one	☐	(Name of Candidate)
For Commissioners Vote for two	☐	(Name of Candidate)

Having caused said ballots to be printed, the said city clerks shall cause to be delivered at each polling place a number of said ballots equal to twice the number of the registered electors. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election; and the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk, upon proper blanks to be furnished by the said city clerk, within six hours of the closing of the polls. On the day following the said primary election, the said city clerk shall canvass said returns so received from all polling precincts and shall make and publish in all the newspapers of said city, at least once, the result thereof, and if there be no newspapers, he shall post the same in his office. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election. The four candidates receiving the highest number of votes for commissioners, or all such candidates if less than four, shall be the candidates, and the only candidates whose names shall be placed upon the ballot for commissioner at such municipal election. All electors of cities under this act who by the laws governing such cities would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act; and the ballot at such general municipal elections shall be in the same general form as for such primary election, so far as applicable, and in all elections in such city the election precincts, voting places, method of conducting election, canvassing the vote and announcing the results, shall be the same as by law provided for election of officers in such cities, so far as the same are applicable and not inconsistent with the provisions of this act. Provided, that in case the number of candidates for mayor so named by petition does not exceed two, then the names of such candidates for mayor shall not be voted upon at said primary election, but shall be placed upon the official ballot as though nominated at such primary; and in case the number of candidates for commissioners so named by petition does not exceed four, then the names of such candidates for commissioners shall not be voted upon at such primary election, but shall be placed upon the official ballot the same as though nominated at such primary; and where the number of candidates for mayor does not exceed two and the number of candidates for commissioners does not exceed four to be voted upon at such primary election, then no such primary election shall be held.

No special registration. Preceding all such elections and all special elections provided for by this act there shall be no registration of electors, but at all primary elections and other elections the registration lists prepared for the respective precincts of such city preceding the last preceding general county or state election shall be used and the general laws applicable to the swearing in of the votes of non-registered electors shall be applicable; where the words "registration lists" occur in this act they shall be taken to refer to the aforesaid registration lists, and where the words "registered electors" occur in this act they shall be taken to refer to the electors whose names are registered in said registration lists.

Sec. 6. Punishment for agreeing to serve candidate. Any person who shall agree to perform any service in the interest of any candidate for any office provided in this act, in consideration of any money or other valuable thing for such services performed in the interest of any candidate shall be punished in the city police court by a fine not exceeding one hundred dollars ($100.00) or be imprisoned in the city jail not exceeding thirty (30) days, or both, which punishment shall be in addition to and not a bar to any other punishment now provided by statute for such offense.

Sec. 7. Bribery. Any person offering a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote at any such election provided in this act, or any elector entitled to vote at any such election receiving and accepting such bribe or other consideration; any person making false answer to any of the provisions of this act relative to his qualifications to vote at said election; any person wilfully voting or offering to vote at such election who is not a qualified elector of such precinct where he offers to vote; any person knowingly procuring, aiding or abetting any violation hereof shall be deemed guilty of a misdemeanor and upon conviction thereof in the city police court shall be fined a sum not more than one hundred dollars ($100.00) or be imprisoned in the city jail not more than thirty (30) days or both.

Sec. 8. Mayor cannot veto. Every such city shall be governed by a council, consisting of the mayor and two commissioners, chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the council. Two members of the council shall constitute a quorum, and the affirmative vote of two members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is provided for in this act. Upon every vote the yeas and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The mayor shall preside at all meetings of the council; he shall have no power to veto any measure, but every resolution or ordinance passed by the council must be signed by the mayor, or by two commissioners, and be recorded, before the same shall be in force.

Sec. 14. Interest in public utilities forbidden to officers and employees. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, of services to be furnished or performed for the city; and no such officer or employee shall be interested directly or indirectly, in any contarct or job for work or materials, of the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable

than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section.

Any officer or employee of such city who, by solicitation or otherwise, shall exert his influence directly or indirectly to influence other officers or employees of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, or shall violate any other provision of this section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars ($100.00) or by imprisonment in the city jail not exceeding thirty (30) days, or both.

All officers and employees in any such city shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations.

It shall be unlawful for any candidate for office, or any officer in any such city, directly or indirectly, to give or promise any person or persons any office, position, employments, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons.

Every elective officer in any such city shall, within thirty days after qualifying, file with the city clerk his sworn statement of all his election and campaign expenses, and by whom such funds were contributed.

Sec. 17. Construction. In the construction of this act and of other statutes governing such cities the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or repugnant to the context of the statute:

1. The words "councilman" or "alderman" shall be construed to mean "commissioner" when applied to cities under this act.

2. When an office or officer is named in any law referred to in this act, it shall, when applied to cities under this act, be construed to mean the office or officer having the same functions or duties under the provisions of this act, or under ordinances passed under authority thereof.

3. The word "franchise" shall include every special privilege in the streets, highways and public places of the city, whether granted by the state or the city, which does not belong to the citizens generally by common right.

4. The word "electors" shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

Sec. 18. Recall. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors who are registered in the registration lists and who are entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire number of registered electors, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One

of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine and from the registration lists ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose; and he shall attach to said petition his certificate, showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient, the council shall order and fix a date for holding the said election, not less than thirty days or more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The council shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing at least ten days prior to the date of the special primary election herein provided, the clerk shall place his name on the official ballot without nomination. On the second Tuesday preceding the date fixed for such special election a special primary election for the selection of candidates shall be held, the said special primary election and nomination therefor to be governed by the provisions of this act; Provided, That if the person sought to be removed is a candidate but one opposing candidate shall be selected at such special primary election and the ballots shall be changed accordingly, and in such case the special primary election shall be held if there shall be more than one person nominated; and Provided, further, That if there are no candidates nominated against the officer sought to be removed no such special election shall be held but such officer shall continue in office. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify, within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. The said method of removal shall be cumulative and additional to the methods heretofore provided by law.

Sec. 19. Initiative. Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verifications, authentications, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under Section 18 hereof. If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty per centum of the number of reg-

istered electors, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the council, such council shall either

1. Pass said ordinance without alterations within twenty days after attachment of the clerk's certificate to the accompanying petition, or

2. Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall call a special election to be held not more than sixty days and not less than twenty days thereafter, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city.

The ballots used when voting upon said ordinance shall contain these words, "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. Any number of such proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for any of the purposes provided for in this act. The council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election or at any special election called for any other purpose; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk shall cause such ordinance or proposition to be published once in each of the daily newspapers published in said city, and if there be no daily, then in all the other papers published once or more each week in said city; and, if there be no such newspapers, then the clerk shall post the same in his office for the period required, such publication or posting to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on. [Chapter 113, Session Laws, 1913.]

Sec. 20. Referendum. No ordinance passed by the council, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the council shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least thirty-five per centum of the entire number of registered electors, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance; and if the same is not entirely repealed, the council shall submit the ordinance, as is provided by sub-section 2 of Section 19 of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor therof. Said petition shall be in all respects in accordance with the provisions of said Section 19, except as to the percentage of signers, and

be examined and certified by the clerk in all respects as therein provided. No franchise or right to occupy or use the streets, highways, bridges, or public places in any city organized or acting under this act, or for interurban or street railways, gas or water works, electric light or power plant, heating plants, telegraph or telephone systems, or other public service utilities within said city, shall be granted, renewed, amended or extended except by ordinance and by following the procedure as follows: Every such ordinance shall be complete in the form in which it is finally passed, and remain on file with the city clerk for public inspection for at least ten days before the final passage thereof; such ordinance shall also be published at least once in all the papers of the city or town at least one week before the final passage thereof; Provided, That if there are no newspapers published in such city or town then the filing with the city clerk as above provided shall be sufficient. If at any time during the ten days hereinabove mentioned a protest against the passage of such ordinance signed by ten per centum of the qualified voters of the city or town as shown by the last general municipal election shall be filed with the city clerk, then the council shall not pass such ordinance. The council may, in its discretion, however, submit said ordinance to the qualified electors of such city or town at the next general or special municipal election in the same manner as is provided in sub-division 2 of Section 19 of this act.

Provided, That the provisions of this section shall not apply to ordinances initiated and adopted by a vote of the people under Section 19 hereof.

Sec. 21. Only legal voters may petition. Petitions provided for in this act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city stating that the signers thereof, were at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made. [Chapter 84, Session Laws, 1911.]

NOTE—Sections not relating to elections are omitted. Sections 4 and 19 are as amended in Chapter 113, Session Laws, 1913.

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